Eighty-eighth Year. Tros Tyriusque mihi nullo discrimine agetur. Vol. 175: No. 4.

THE

NORTH AMERICAN REVIEW

EDITED BY GEORGE HARVEY.

October, 1902.

Mr. Balfour and his Opportunities, Sir GILBERT PARKER, M.P.

The Work of the Friars . . . . . STEPHEN BONSAL

An Ideal School of Politics and Jurisprudence, HANNIS TAYLOR, *Author of "International Public Law."*

The Later Work of Mr. W. B. Yeats . . . FIONA MACLEOD

Expert Evidence . . . . . JOHN WOODWARD, *Justice of Appellate Division, Supreme Court of New York.*

Denmark and the Treaty . . . . . GERTRUDE ATHERTON

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A General Staff for the Army, Brigadier-General W. H. CARTER, *Acting Adjutant-General, U.S.A.*

National Debts of the World.—XIV. Public Debt of the United States, I. . . . . O. P. AUSTIN

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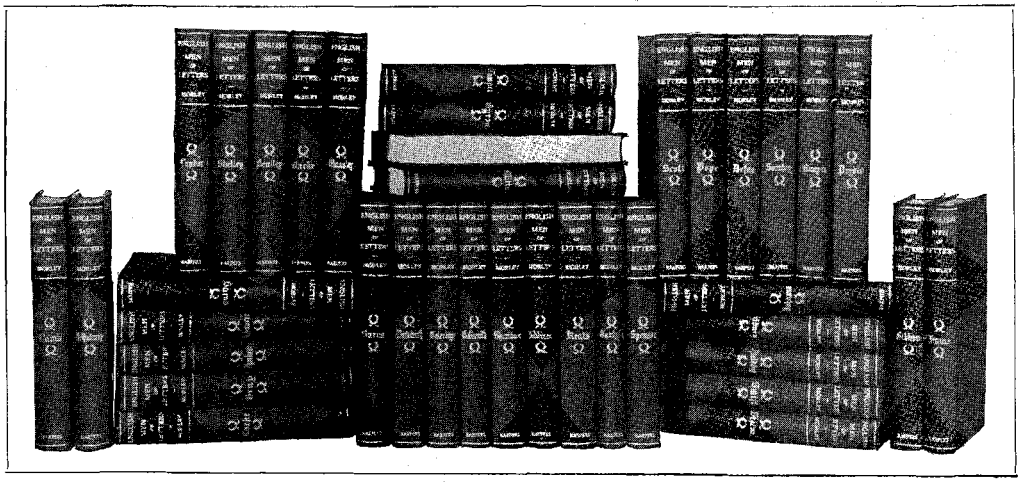

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CONTRIBUTORS TO THIS NUMBER.

Sir Gilbert Parker, M. P.,

has represented the constituency of Gravesend in the British Parliament since 1900. He was born at Camden East, Addington, Ontario, in 1859; and, having obtained a teacher's certificate at the Normal School, Ottawa, he was employed in schools at Frankford and Seaforth. He was ordained deacon in the Anglican Church in 1882; and, after a course of study in Trinity University, Toronto, he became curate to the rector of Trenton. Ill-health compelled him, in 1886, to seek a change of air, and he went to Australia, where he was appointed associate-editor of the *Sydney Morning Herald*. Removing to England, he entered upon a regular literary career in that country, and he has produced a large number of works which have made his name familiar to readers throughout the English-speaking world, among them being "The Translation of a Savage," "The Trail of the Sword," "An Adventure of the North," "The Seats of the Mighty," "The Battle of the Strong," "The Lane that had no Turning," and "The Right of Way." He was knighted on the occasion of the coronation of King Edward the Seventh.

Stephen Bonsal.

was the subject of a note in the Review for March of this year, to which he contributed an article entitled "The Philippines—after an Earthquake."

Hannis Taylor.

Since the publication of the note on Mr. Taylor which was printed in the Review for last March, he has been appointed Professor of Constitutional and International Law in the Columbian University. His new work on "International Law" has elicited the highest, even enthusiastic, commendation from critics and scholars on both sides of the Atlantic. The *Harvard Law Review* has characterized it as "the best American work since Wheaton," and *The Law Quarterly Review*, of London, in its latest issue, expresses the opinion that "this book is, probably, on the whole, the fullest treatise in the language on its subject."

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FIONA MACLEOD

published her first book in 1894, and since then there has been much speculation as to her personality, which has resulted in a number of myths, more or less amusing and absurd. The changing rumor went that she was William Sharp, that she was Mrs. Sharp, that she was the daughter of the late Dr. Norman Macleod, that she was Nora Hopper and W. B. Yeats in unison, that she was a syndicate of young Celtic authors, that she was a Fleet Street journalist, that she was Irish and that her real name was Charles O'Connor, and even that she was Maud Gonne. Miss Macleod comes of an old, Highland, Catholic family of that name. She was born in the Southern Hebrides, and much of her childhood was passed in the Outer Hebrides or in the Inner Hebrides and the West Highlands of Scotland. The island of Innisron in her first romance, "Pharais," is believed to be a remote island where in childhood she spent many summers. So, too, certain incidents in the portraiture of the heroine Lora occurring in the same romance are, to some extent, founded upon her own personal experience. During the past eight years, Miss Macleod has wielded a busy pen. In addition to the romance already mentioned, she has published, among others, the following works: "The Mountain Lovers," "The Sin-Eater," "The Washer of the Ford," "Green Fire," "From the Hills of Dream," "The Dominion of Dreams," "The Divine Adventure," "The Immortal Hour," "Trostan and Yseul."

JOHN WOODWARD

was born in Chautauqua County, New York, in August, 1859, went to Jamestown shortly after his admission to the bar in 1881 and has since resided there. He was elevated to the bench of the Supreme Court of New York in 1895, and in 1898 Governor Black assigned him to the Appellate Division of that Court in the Second Department. The abuses which he discusses in his article on "Expert Evidence" were first brought specially to his attention in the course of a trial at which he presided some years ago, during which the great alienists of the country were among the most important witnesses, one of the medical experts sustaining a cross-examination which lasted three days. Judge Woodward has given the subject close study and he has been called upon several times to discuss it in public addresses.

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GERTRUDE ATHERTON.

A note regarding Mrs. Atherton was published in the August number of the REVIEW. She is now in Copenhagen, and her article is based upon information communicated to her by eminent members of the Landsthing, by whom the whole question of the pending treaty regarding the islands of the Danish West Indies was put before her "as it had never yet been put before an American."

PROFESSOR S. L. SCHENCK,

whose death was announced a few weeks ago, was regarded as the leading embryologist of Europe. He was Professor of Embryology in the Royal and Imperial University of Vienna when, in January, 1898, he published his famous work on "The Determination of Sex," in which he gave to the public the conclusions he had drawn from the results of experiments which he had been conducting for over twenty years. His method of dealing with the subject displeased the Faculty and he resigned his chair.

R. B. VAN CORTLANDT

was born in 1862 in a house which now belongs to the City of New York standing in what is now Van Cortlandt Park, which was in the possession of his family for about two hundred years. He was placed at school in Switzerland and Germany; and after graduating from Columbia College in 1882, he entered the banking business, in which he is still engaged.

WALTER LITTLEFIELD

was born in Boston in 1867, and was educated at the public schools and at Harvard. Since 1897, he has been connected with the editorial department of the *New York Times*, and he is the American correspondent of *Le Siècle*, of Paris. He has also contributed to *L'Evénement* of the same city. Mr. Littlefield has devoted much time to the study of Continental questions, particularly in the fields of politics and diplomacy. He is the first authority in this country on the Dreyfus case. He was first to establish the identity of Lieut.-Col. du Paty de Clam as the author of the article which appeared in *L'Eclaire*, September 14, 1896, narrating the circumstances of Dreyfus's arrest and divulging the use of secret evidence in securing his conviction. During the second court-martial at Rennes, Mr. Littlefield edited the accounts sent by cable for the *New York Times*, and his interpolations in the form of

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comment and the reproduction of documents threw many interesting side-lights upon the conduct of the trial. He is the author of "The Truth about Dreyfus," and editor of the American edition of "*Les Lettres d'un Innocent.*"

CLARENCE H. POE

is a North-Carolinian, and he was educated in his native State. In 1897, he began journalistic work as associate-editor of the *Progressive Farmer,* of Raleigh, which has a large circulation in the Southeast. In 1899, he became sole editor of that paper, which position he still holds. He has contributed occasional articles to some of the American periodicals.

CAPTAIN R. P. HOBSON, U. S. N.,

is a native of Alabama, having been born in Greensboro in 1870. He was educated at a private school and at the Southern University, and graduated from the United States Naval Academy in 1889. In 1889-90, he served as a midshipman on the White Squadron in the Mediterranean and South-Atlantic waters, and at different periods thereafter he was detailed to a variety of duties afloat and ashore. In 1897, he organized and conducted a post-graduate course at the Naval Academy for officers destined for the construction corps. In March, 1898, he went to sea with the North-Atlantic Squadron in charge of the post-graduate students. He served, as constructor, with the fleet operating against Cuba, being on board the flag-ship "New York" in blockade duty, in the bombardment of Matanzas and in the expedition against San Juan. His name will always be associated with one of the most heroic exploits of the war—the sinking of the "Merrimac" in the harbor of Santiago. Since the war Captain Hobson has been employed mainly in directing operations undertaken in Cuba and the Far East, with a view to save and reconstruct the vessels of the Spanish fleets which were wrecked by American guns.

BRIGADIER-GENERAL W. H. CARTER, U. S. A.,

was the subject of a note in the REVIEW for last May.

O. P. AUSTIN.

A note regarding Mr. Austin will be found in the number of the REVIEW for November, 1900.

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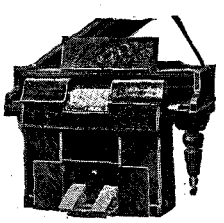

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MR. BALFOUR AND HIS OPPORTUNITIES.

BY SIR GILBERT PARKER, M.P.

Many qualities are needed by one who would hold a commanding place in that critical yet tolerant, imperious yet considerate assembly, the British House of Commons—many qualities of mind, of body, of temper, of social and intellectual equipment. The leader of the English parties should have a dignified or at least a sufficing presence. Little men, of modest physical aspect, have often led armies, from the days of Alexander to those of Lord Roberts of Candahar; but he who would sway the House of Commons, with its contingent of athletes and sportsmen, had best be tall and straight. He should be a "gentleman," of course, a member of that territorial aristocracy which has virtually ruled Britain, with much assistance from the moneyed merchant classes, since the Revolution of 1689. And he should preferably have a tincture of scholarship and cultivated knowledge. The House, it is often said, is not a highly intellectual body. It contains fewer men of letters and learning than most of the legislatures of Continental Europe. The professors, historians, political economists, jurists, *savants,* publicists, who are so much in evidence in France and Germany, are rare figures at Westminster, and are mostly regarded with a shyness not unmixed with doubt. Perhaps for this reason members of Parliament appreciate a certain

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measure of culture in their chiefs. Above this, however, they set certain qualifications which may be called moral. The House is not a priggish society; on the contrary, it is a little cynical, a little indolent, confidently careless, somewhat superficial, much disposed to treat ethical problems with the disdainful tolerance of the man of the world. But it likes its leaders to be in earnest. It demands that they shall "sit tight" and "play the game," and do their work, not as amateurs surprised into responsibility, but with honest conviction, resolute fairness, and an unflinching sense of its value and importance. No man succeeds in the House of Commons who does not take the assembly seriously. Yet zeal must be founded on knowledge. The party-leader should begin young and serve a long apprenticeship. There have been few—a very few—who have stormed their way to Parliamentary influence in their first or second session. But, as a rule, a member must sit long on the green benches before he will be listened to with attention, longer still before his voice can carry weight, and so carrying reach a larger, if not surer, audience in the country. Experience here counts for more than talent, and far more than any outside reputation, however imposing. The Parliamentary guide followed most willingly is he who has found his career in the House of Commons itself and pursued it steadily there.

Now, in these respects, Mr. Balfour is a typical leader. He is just such a man, as one might, *a priori,* infer that the Chief of the House of Commons would be. He has those gifts of mind and character, and temperament, which the House values and admires. An untitled country gentleman, to all intents and purposes, he belongs to the territorial aristocracy from which English Cabinets are for the most part recruited. He has athletic tastes, and is fond of outdoor amusements. He has a creditable amount of culture, knows something about music and pictures, and has written books which reveal not only an acute critical faculty, but sound knowledge of philosophy, of literature and of theology. He is a student, interested in high and austere themes, as a British Premier should be. And with all this, he is essentially a House of Commons man. Mr. Balfour is so many years younger than some of the veterans who have dominated English politics of late years, such as Mr. Gladstone, Lord Salisbury, Sir William Harcourt, Sir Michael Hicks-Beach, and he has so much

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of the alertness, the freshness and the many-sided interests of youth, that one forgets how long a period his political career has covered. He is in reality quite an old "Parliamentary hand." It is not far off thirty years since, a young man of six-and-twenty, he first entered the House of Commons as member for Hertford, and he has represented the Eastern Division of Manchester since 1885. His political début was made among figures who, for the most part, have long quitted the stage: Mr. Gladstone, the late Lord Iddesleigh, Mr. W. H. Smith, and Lord Randolph Churchill. It is not forgotten—or perhaps it *is* forgotten—that Mr. Balfour was for a short period a member of Lord Randolph's "Fourth Party," when the brilliant and forceful leader of that active little group was revitalizing the lethargic Toryism of the early eighties. There are few of his colleagues in the House of Commons who have been associated with English party politics, in their most intimate phases, more closely than the present Premier. And this is a source of confidence. The House of Commons likes to feel that it is in the hands of a man who really understands the inner working of that curiously modified and regulated civil conflict whereby the English constitution achieves its ends.

Mr. Balfour, like most public men, has sometimes spoken slightingly of the party system. It is one of those sacrifices on the altar of conviction which English audiences expect from time to time. But he has more than once clearly disclosed his conviction that Parliamentary government depends for its efficient operation on a well-marked dualism of opinion, embodied in distinct and well-defined parties. For Mr. Balfour, indeed, it is clear that the party game has always had a singular fascination. It might be going too far to say that it is this side of politics which mainly attracts him; but there is no doubt that it does interest him more intensely, perhaps, than either executive or legislative business. In this, he is the antithesis of his friend and colleague, Mr. Chamberlain. The Colonial Secretary seems to me one of those persons who are born for politics as some men are born for poetry, others for music or natural science. He is, in the Aristotelian sense, a politician by nature; and I suppose he would have concerned himself in the work of law-making and administration whatever his opportunities or course of life had been. If he had never arrived at the Imperial Parliament, had

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there never been spread before him a vista of satisfied ambition, I cannot think that his faculty for public affairs would have been allowed to rust. Wanting the chance of becoming a member of Parliament or a Cabinet Minister, he would have remained a Town Councillor; and should he never indeed have reached the Corporation of Birmingham, he must still have occupied himself, I imagine, with the affairs of the Vestry or the Parish Council, with the ardour of the born public man. Mr. Chamberlain loves politics with the craftsman's delight in his work, irrespective of its effects and rewards; it is art for art's sake. With Mr. Balfour, one conceives, it is different. His mind, at once comprehensive and subtle, has many interests, many preoccupations. Politics to him is only one of many pursuits which make inroads upon his time and gratify his inclinations. Indeed, for several years after he first entered Parliament, it seemed that he would never be willing to make those sacrifices to public life which are necessary to full success. He was too refined, too fastidious, too fond of diffusing himself over many shining fields. And one may well ask why a man so fortunately placed, so happily endowed, should have given himself up to the servitude of leadership and office. His books, his taste for art, his "philosophic" writing and study, his golf, his cycling, the care of his estates, the society of his friends,—all these must have been and still are, eager rivals with politics for his supreme regard. One may conjecture that it is the excitement of the party struggle which has finally turned the scale.

At the root of Mr. Balfour's character, overlaid and half-concealed by his graceful suavity of manner, there lies a hard stratum of Caledonian combativeness. He loves the "strenuous life" perhaps almost as much as President Roosevelt, though he does not talk about it. In many ways, Mr. Balfour may seem the *fine fleur* of English aristocratic culture, but he has the Lowland Scot's affection for a fight, his delight in the righteous discomfiture of an opponent. Yet there is a rare nobility and magnanimity in him which never permits him to triumph over, to trumpet boastfully, the defeat of his foe. In all his Parliamentary experience, he has never made his conquest galling or placed a heel upon a vanquished neck; and his temptations have at times been natural and great. To him, nevertheless, the party conflict gives a zest to politics, which possibly the mere de-

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tails of administrative business could not offer. Mr. Chamberlain, in order to compass great national ends, has conscientiously quitted his colleagues before, and one could imagine that, in like circumstances, he might do so again. But Mr. Balfour would no more abandon his party than he would throw down his club in the middle of a round of golf and refuse to finish the game. He would sink or swim with his party and his leader, whether with greater patriotism is another question. That is one of the sources of his influence in the House of Commons. The British Parliament is no longer made up chiefly of sportsmen. Many members, especially on the Liberal side, would be uneasy on a horse and awkward with a gun. But the sporting tradition prevails in the House, even to a larger extent than in ordinary English society. There is no legislature where deeper interest is taken in the playing of the game; none where principles and ideas count for less and personalities more. The average Conservative or Liberal, with his practical contempt for general propositions, seldom pauses to consider the ultimate results of the proceedings of his leaders; he is far too much absorbed in their immediate consequences, in their effects on his own side and that of his opponents. It is a splendid, continuous, exalted kind of cricket-match, and the spectators and performers are always waiting to applaud the skilful champion who takes the wickets or makes the runs. If he is the Captain of one or other of the teams, they seek from him knowledge and judgment to arrange his field properly, and the pluck to play steadily to the end, whether winning or losing.

All great English party-leaders have enjoyed, though they may have deprecated, this stimulating struggle. Pitt, Canning, Palmerston, Disraeli, Gladstone, Randolph Churchill—these were men to whom the atmosphere of rivalry in the House of Commons was the breath of life. When, therefore, one says that Mr. Balfour is a keen party man, it is only implied that he is following in the steps of the most eminent of his predecessors. He realises, as they did, that with all its obvious defects and weaknesses, the party system is of the essence of the British Constitution. It is as much a part of this unwritten code of tacit understandings and necessary fictions as the Cabinet itself (a thing which has no formal existence) or even the House of Commons; since neither Cabinet nor Commons could discharge their functions

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without it. Still there may be a change before us, and Mr. Balfour has seemed occasionally to hint that he believes a change to be coming. The good mechanician, however, is he who knows and masters such instruments as he possesses. The steam locomotive may be destined to be superseded by the electric motor; but the engineer, even while he recognizes the fact, does not omit to perfect and keep in order his boilers and furnaces. Mr. Balfour knows that, for the present, the business of the British realm must be done through and by the agency of party government, and that he is likely to do most who understands the two great parties best.

Ever since Mr. Gladstone's plunge into Home Rule, the Liberals have been divided, impotent, distracted. It seems that they are likely to remain in this condition for some time longer. The work of Britain for peace or war has been done for thirteen out of the past sixteen years, by the Unionists, and it may continue to be done by them. The man who leads the Conservatives in the House of Commons, even if he were not the titular Prime Minister, must have the most effective voice in the conduct of affairs. Since 1891 this has been Mr. Balfour's duty; and, looking back upon it, one may say that, on the whole, it has been well accomplished. If I can trust my own observations and the testimony of many competent and experienced judges, there was not one of his recent predecessors who, through a series of years, proved more acceptable to the Conservative party in Parliament and the country. The House of Commons likes a man who is "safe" in the best sense; safe, not because he is merely a pedestrian, cautious plodder, who has not the courage even to make a mistake, but safe in virtue of a temperament that inspires confidence. It cannot be said that Mr. Balfour has never made a mistake. On the contrary, he has often gone astray and slipped into error, chiefly because of that impatience of detail which is the constant theme of his hostile critics. A man has the defects of his qualities, though he may overcome them. Mr. Balfour, with his artistic intuitions, his fondness for philosophical generalization, his somewhat abstract cast of thought and his reluctance to face mere mental drudgery, has at times been convicted of a loose grasp of facts, and an incapacity or unwillingness to "get up" his subjects thoroughly. Even with the help of a private secretary who is a miracle of capable industry, and the assistance of

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devoted colleagues, the First Lord of the Treasury will sometimes exhibit odd *lacunae* in the fabric of his information, and stumble in the course of debate into strange slips of ignorance or forgetfulness. But the House knows well that these inaccuracies are on the surface, that he understands and grasps the root of the matter. The slips are, perhaps, unfortunate; but they are not vital. Members feel that they have to deal with an intelligence fundamentally and laboriously conscientious. Mr. Balfour does not deceive himself, he does not deceive his followers, he does not willingly deceive his adversaries. If he has detected himself in error, if he has seen reason to alter his course or to change his mind, he says so. He will win a victory by subtlety, but not by *finesse* or by a suspicion of trickery. He tells the House frankly what he means to do, what aim and purpose he sets before himself, and his very contempt for details and processes assists, and often only confirms the impression of his straightforwardness. The helmsman may wear and tack too frequently, catching each puff of wind as it comes; but he has his eye on the haven and never really loses sight of the landmarks. *Respice ad finem* is his unspoken axiom. He makes steadily for the goal, turning aside for difficulties and obstacles, but neither daunted nor baffled by them. The House recognizes, if the outside public sometimes does not, the tenacity and resolution which lie behind his tactful, pleasant manner, and urbane style. And thus has he established a deserved reputation for integrity and persistence, which is the most valuable of all possessions to an English statesman.

His admirers would not claim for him that he is one of the great orators either of the senate or the platform; but he is the most effective debater, in the practical sense of being able to convince and convert his hearers. He has guided through the House of Commons some of the most difficult and controversial legislation of our time, and exhibited extraordinary skill in meeting objections and encountering hostile argument. Here his logical Scottish intellect serves him admirably. No one can state an opponent's case more deftly and turn it against him. Amid applauding cheers from the Opposition benches, he will summarize the points their best speakers have been making, in a few crisp sentences; and then he will swiftly invert the argument and show how these very points, rightly taken, tell in his own favour. In these arts of exposition he has few superiors. He will sweep away

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superfluities and side issues, and in a lucid analysis bring out the principles which underlie a whole confused and confusing discussion. This power of clear expression, based on a firm grasp of essentials, has been conspicuously displayed in the heated debates on the Education Bill of the present Session. It is a measure necessarily somewhat complicated, and it has been obscured by a vast amount of sectarian prejudice, deliberately and unscrupulously invoked by the enemies of the Cabinet. But it has been a constant intellectual pleasure, to those who have been in the House of Commons, to watch how Mr. Balfour, with a sweep of his arm, so to speak, has rolled away the mists, and allowed the eye to dwell unobstructed on the clean-cut outlines of the structure. The speech in which he introduced the Bill, on March 24th, was an extraordinarily complete and concise summary of the entire question, and it placed the proposed solution before the House of Commons with characteristic clearness:

"Our reform,, if it is to be adequate, must, in the first place, establish one authority for education—technical, secondary, primary—possessed of powers which may enable it to provide for the adequate training of teachers, and for the welding of higher technical and higher secondary education on the university system. In the second place, I conclude that this one authority for education, being, as it is, responsible for a heavy cost to the ratepayers, should be the rating authority of the district. In the third place, I lay down that the voluntary schools must be placed in a position in which they can worthily play their necessary and inevitable part in the scheme of national education."

These are the main objects of the measure, which has aroused more party feeling than any that has been laid before this nation since Mr. Gladstone's last Home Rule Bill; and to this statement of the position Mr. Balfour has again and again brought back the House after an afternoon of miscellaneous squabbling. And, perhaps, when the dust of the combat has cleared away, it will be easier to see how well-conceived, how logical and symmetrical, are the methods with which the First Lord of the Treasury has endeavoured to remedy an evil that could not be left to cure itself.

From one to whom great opportunities are granted great achievements are expected. Mr. Balfour has proved himself a brilliant party leader, a capable Parliamentarian, a man who can command and direct. In his comparatively brief career as Chief Secretary for Ireland, he showed that he possessed other qualities. Those who were active in politics during the Parliament of 1886

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tell us that his success in this capacity was the sudden and startling revelation of a forcible personality. He had passed with the House for a superfine aristocrat—cultured, fastidious, indolent. The announcement that he had been awarded the most difficult post in the Ministry at a time of crisis was received with laughter. *This* languid gentleman to be the "daring pilot in extremity?" Were those the hands to grasp the helm and steer the ship among the rocks and breakers? Mr. Balfour speedily and marvellously justified his appointment. Amazed and delighted, the nation and his party looked on, while he grappled with the Land League in Ireland, and faced Parnell and all his turbulent faction in the House of Commons. Firm, courageous, imperturbable, and withal conciliatory and judicious, he fought Irish disaffection without increasing Irish discontent. The smouldering sedition was sternly repressed, while yet rapid progress was made towards the removal of the legitimate grievances of Ireland. Mr. Balfour left the Irish Office with the deserved reputation of a great administrator, a statesman who understands the arts of government and reform.

It remains for him to bring to bear the abilities thus disclosed on problems deeper and more weighty than those which awaited him at Dublin Castle in 1887. Occasions, many and pressing, lie before him for the exercise of constructive statesmanship. The stage, one may say, has been cleared; he steps upon it before an expectant audience. Of the three men who have formd the innermost Cabinet, the real efficient government of the British Empire, for the past fifteen years, Mr. Balfour is the youngest, and his functions have so far been the least important. What Lord Salisbury has done for Britain will not be known, in all its fulness, till the search-light of the historian is turned upon the secret receptacle of the Foreign Offices and Chancelleries. The present generation will never hear the whole story. But enough has been revealed to give Lord Salisbury an unchallenged claim to the undying gratitude of his countrymen. He has controlled British foreign policy during such a period of strain and stress as has scarcely been known since the downfall of Napoleon Bonaparte. In the East and in the West, strange and startling events have occurred. The United States has entered upon the path of imperialism; Spain has fallen from the ranks of the Colonial Powers; Japan, instinct with fiery energy, has forced itself, with one fierce bound, into the circle of the warlike, progressive states. There

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has been a new grouping of the European Powers; France and Russia have become allies, Greece and Turkey have been at war. The Venezuela dispute, the portentous upheaval in the Far East, the threatened rupture with France over Fashoda, the explosion of anti-English feeling on account of the Boer campaign, have had to be reckoned with, while Lord Salisbury was at Downing Street. No Choiseul or Kaunitz of the old European monarchies had a more complicated web of policy and intrigue to unravel or dissever. That massive, subtle brain has dealt with it all, and so dealt that Britain emerges with still shining prestige, with her influence in the world undiminished, with no solid interest sacrificed anywhere. Such, in brief, has been the task of Lord Salisbury, and it rests with posterity to recognize its magnitude.

Mr. Chamberlain's function has been different. To him it has fallen to preside over the revival of the imperial spirit in public affairs, which has been the most significant movement in recent English politics. The Secretary of State for the Colonies is the first great Colonial minister of our epoch. He has shown the English people the true value and import of the magnificent heritage handed down to them by their fathers. Skilfully taking advantage of the outburst of proud enthusiasm produced by the Jubilee of 1897, he brought the realms beyond the sea into the daily consciousness of stay-at-home Englishmen. Many factors, indeed, have conjoined to produce this result. It has been Mr. Chamberlain's supreme achievement to weld them together for the purposes of practical politics. The difficulty in South Africa presented him with a test case, and he employed it in order to bring home to all subjects of the Crown the true meaning of the word Empire. He is the successor in the direct line of Lord Beaconsfield, and it has been his privilege to popularize and stamp with reality the vast conception which loomed dimly before the imagination of the author of "Coningsby" and "Tancred." It is a singular fate which has converted the social reformer of the seventies into the champion of the flag and the vindicator of the Imperial ideal. Possibly, if Mr. Chamberlain were twenty years, or even ten years, younger, and if he were less deeply occupied with the chosen task of his later period, he might again re-enter the sphere of his earlier activity, and inaugurate the series of administrative and legislative reforms for which the country is now ripe. One cannot ignore the fact that Mr. Chamberlain, with all his vigour, vivacity and

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courage, is no longer young or middle-aged; in four years, indeed, he will be three-score and ten. Moreover, the duty of re-settling South Africa, and dealing with many other pressing Colonial problems, is likely to absorb his energies for some time to come. We can hardly look to the Colonial Secretary to preside over a new era of constructive statesmanship.

That office, it seems, is reserved for the present Prime Minister. Mr. Balfour has unequalled opportunities for initiating and carrying to a successful conclusion a comprehensive policy of reform. Few of his predecessors have been better placed for such a task. He is in the prime of life; he has an admirable personal and mental equipment; he enjoys a commanding influence alike with the legislature and the nation; he has proved his capacity for leadership; and he commands an overwhelming Parliamentary majority, only too willing to obey his behests. Within reason, indeed, it may be said that he can do practically what he pleases in the House of Commons; since the Opposition, in its present disorganized condition, can at the best do no more than criticise. Above all, Mr. Balfour finds public opinion in a responsive frame of mind. For the past few years, the Conservative Party has been compelled to devote itself mainly to what may be called defensive work. It has had to protect the integrity of the Kingdom and the Empire against domestic opponents and external enemies. Revolution at home and disintegration abroad have been necessarily the particular objects of its attention. It has found itself forced to devote the main portion of its energies to counteracting the separatist agitation in Ireland, and opposing the Little England spirit, which would have been fatal to the maintenance of Imperial unity. It has seen, with a just instinct, that its paramount duty was to endorse the foreign policy of Lord Salisbury, the Colonial policy of Mr. Chamberlain, and the Unionist attitude with regard to Ireland.

These were great watchwords; but there is a growing conviction that they do not represent the whole statesmanship which the needs of the opening century enjoin. We have attained, thanks mainly to the clear-sighted firmness of the Conservative leaders and the steady loyalty of their followers, a truce from the more pressing anxieties of the past decade. It is felt by the more active exponents of Unionist opinion that it does not suffice to repose on the recollection of past successes. In the respite thus granted, the

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opportunity for constructive effort recurs. It is the fervent hope of the more active-minded Conservatives, and particularly of the group of able young men who are beginning to claim a prominent share in the operations of the party, that Mr. Balfour will not fail to respond to the trend of opinion. The nation, while on the whole fairly content with the manner in which its affairs have been conducted, is not altogether satisfied with itself and with its institutions. The feeling in favour of an enlarged efficiency is a genuine one. Lord Rosebery, with his journalistic instinct for the topic that is in the air, has given expression to the demand; but Lord Rosebery, with all his gifts, is, as things at present stand, only an highly-distinguished and accomplished amateur. He does little more than advise and suggest and frame phrases which may mean much or little. It is only the man with his hands upon the levers of administration who can give personal effect to the sentiment. In fact, if we are to become a more efficient nation, it is for the Ministry to show the way; and by the Ministry, in this connection, one specifically means Mr. Balfour.

The field of reform is, indeed, gigantic. There is, in the first place, the reform of English civil government to be considered. England used to be the model for the world in its central and local administration. It is so no longer. One has only to turn to Germany, to the United States, and even to our own Colonies, to see in how many respects we have allowed our administrative machinery to drop below the level of a scientific and industrial age. The Board of Trade, the Local Government Board, the Home Office, are organized on lines which no longer render them equal to the enlarged duties which fall, or should fall, upon them. They suffer from some of the same defects as the British Army. The mischances and miscalculations of the earlier part of the Boer war aroused an angry outcry for military re-organization. There was much talk of all the things that should be done: the "drastic" remedies that were to be applied. But the war has terminated, and the zeal of the reformers has already slackened. It remains for Mr. Balfour to see to it that the whole question is dealt with in a bold and comprehensive fashion, and by truly organic methods. There is the chance of doing for England in this matter something comparable to that which was effected in Prussia after the disasters of the Napoleonic conquest. I am not suggesting, of course, that we are to plunge headlong into conscription, or com-

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pulsory service of any kind; but I do say that the re-construction of the British military system is a task far too weighty to be left to a mere Departmental Minister. It should be taken in hand by the head of a Cabinet and a great party, clothed with all the fulness of his authority; and it should be pressed upon the attention of the country as, for example, the abolition of the Corn Laws was by Sir Robert Peel, or the disestablishment of the Irish Church by Mr. Gladstone.

Again, there are the questions of fiscal reform, and of commercial and industrial regulation. These are matters which have been too long thrust on one side, or treated as merely subordinate affairs, unworthy the notice of those who preside over governments and busy themselves with *la haute politique*. But they are growing insistent; they will not wait. It is time that a Conservative Cabinet should have a mind of its own on these subjects, and should be prepared to carry its convictions into effect. For the future of Britain, its place in the world, nay, the very existence of its teeming town-bred populations, depends upon the manner in which they are handled. There are various other social and economic problems, which have been dabbled with in an amateurish, tentative fashion on the platform, in Parliament, and in the press, and these are now claiming definite and rational solution. I refer to such topics as the Housing of the Working Classes, Poor Law Administration, the control and regulation of locomotion, the relations of Municipalities to the Central Government and to private corporations. Further, the country stands in need of a reform of education going far deeper than anything which is attempted in the Bill at present before the House of Commons. Great Britain is jeopardising her commanding industrial position by failing to keep abreast of the highest knowledge of the century. Something much more than a possible slight improvement in the character of the elementary schools is required. The nation stands in need of a more effective training for all classes of the population, from the professors in the University, the thinkers and teachers in the Laboratory, the captains of industry in factory and workshop, down to the labourer in the brickyard and the young woman behind the counter.

All this, I may be told, is mere truism. Is it not repeated month by month in the thoughtful magazines, vociferated by distinguished persons at Congresses and Conferences? Exactly; but

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something more is needed. We want a practical statesman, who has the power as well as the will to bring all these things within the range and scope of actual politics, and to indicate the actual steps by which the scientific efficiency and value of the nation may be increased. Constitutional reform, too, has not yet reached its limits, though one may conceive that the lines of development will be somewhat modified. Some of the old political issues may have lost their interest; but new needs arise with new conditions. Parliament is suffering from nothing so much as from the fact that it is choked and congested by the stream of business which flows into it. The effort to control and supervise all the affairs, great and small, of a nation of forty millions of people, not to mention those of an empire nine times as numerous, is too heavy a burden for any Assembly. In the hurrying competition for some scrap of legislative attention, imperial politics are apt to be scamped, and local politics neglected. Means must be devised, by some method of devolution, applicable no doubt in due measure to all the constituent countries of the British Isles, to ease the Parliament at Westminster of part of its load. The experience which has been gained in the smooth-working central and State legislatures in other parts of the Anglo-Saxon world must be applied to this problem, if the House of Commons, as some of its hostile critics have already gleefully suggested, is not to become a mere impotent appendage to London society, or a recording chamber for the decrees of an all-powerful Cabinet. It has been urged also, not without force and reason, on the part of many most friendly to the Unionist cause, that some change of men as well as of methods is required. The control of public affairs has been, perhaps, overlong in the hands of a small group of persons closely connected by social and family ties. The Conservative Party, it is held, is in some danger of passing, like the Whigs of the eighteenth century, into the hands of a "Family Compact." Its chosen administrators and officials are composed, as indeed was the case in the domination of the great Whig "houses," of men who, for the most part, are capable, high-minded and public-spirited. But they represent a too exclusive element in the life of a great nation; they tend, necessarily, to become limited and sectional; by no means seldom, they exhibit amateurishness in the treatment of great and grave questions, with which they can never have been in personal contact. The circle should be widened; some of the "old guard" who

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have been in and out of office for twenty years should not, through an excessive patriotism and a fond knowledge of departmental work, bar the way of younger politicians in keener sympathy and in closer touch with the movements of the age. Above all, a real and convincing effort should be made to enlist in the service of the state the highest business talent, the best expert knowledge, the most thoroughly tested capacity, the most extended practical—not academical—knowledge, which the country can produce.

These are among the high and inspiring duties which await Mr. Balfour. The chance seems to lie before him of writing his name upon the roll of the great reforming ministers of England. He has an opportunity, scarcely less promising than that which lay before William Pitt in the first few years of his ministry, when he was laying, broad and deep, the foundations of economic and political reform, before the cataclysm in France diverted his energies to other objects. With the Empire at peace, and likely, as it seems, to remain so for many years to come, Mr. Balfour may adapt, to the more complex conditions of our own time, the methods of the greatest of all his Conservative predecessors in office. Pitt, with the prescience of genius, saw that England must "wake up" if she were to cope adequately with the problems awaiting her on the threshold of the nineteenth century. The problems are more numerous and more complicated at the beginning of the twentieth, and a new Pitt is needed to enable us to grapple with them. We have lived too long on the traditions of the sixties and seventies, forgetting that while we have been standing still, the world has been moving with inconvenient rapidity. Another ten years, spent in playing languidly with the old themes, in squabbling over political controversies that have largely lost their meaning, and even in repeating, without altogether understanding them, the catchwords of Empire and Union, are not to be contemplated with equanimity. Such a state of affairs would be fatal to the Unionist party, as well as mischievous to national interests. The country assuredly expects something more vital and effective from a political connection, dowered with such transcendent advantages as the Unionists possess at the present time. If Conservative reform should be wanting, we may confidently expect a Radical revival, of a democratic, perhaps even a socialistic, colour. Impatience might take the dangerous form of a widespread revolt against property and the propertied classes, with an

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incitement to clever unscrupulous demagogues to undertake the task which moderate men will have shirked. The prospect, indeed, would be a dubious one, if we could conceive Mr. Balfour a mere Premier *fainéant,* a Premier content to move sluggishly along the old groove, doing nothing in particular but keeping his party in power. Fortunately, we need have no such dismal expectation. Mr. Balfour's real vigour and energy, his sensitive receptiveness of the impressions of the age, his unfailing interest in all the problems of modern science, and his patriotic ambition, mark him out to fulfil some at least of the high tasks which I have ventured to outline in the foregoing pages. In his reform of the rules of Procedure, in his Irish Legislation, and in the Education Bill, he has in some degree laid down the sub-structure of a great scheme of internal reform. We should have no doubt that he will go far to complete the stately edifice during his next few years of office. The path of fame and enduring usefulness lies before him, in the direction of constructive statesmanship; and it can be confidently expected that, in following it, he will gain even higher titles to the esteem of his countrymen than those which he has justly obtained in the past.

GILBERT PARKER.

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THE WORK OF THE FRIARS.

BY STEPHEN BONSAL.

In most descriptions of the Spanish régime in the Philippines, the administration is spoken of as deriving its strength or its weakness from the union of Church and State. This view is not quite correct. It would be nearer the truth to say that the islands were held as a fief by the four great Monastic Orders of the Roman church, and that over them was hoisted in recognition of their many benefactions the standard of the Most Catholic Kings.

Typical of the history of the generations that followed is the story of the first expedition, which, sailing from Mexico, effected a permanent settlement on the islands in the spring of 1565, and shortly afterwards founded Manila. This expedition was due to the personal labors and popularity of Fray Andrès Urdaneta, an Austin friar who had proved himself in many sea ventures a most daring navigator. He was also a cosmographer, a distinguished mathematician, a soldier and a courtier. The nominal head of the expedition was Lopez de Legaspi, who figured in the ship's company as sailing-master. This was a personal selection of Urdaneta's, and it proved to be a happy one; though, when we learn that Legaspi had never followed the sea, but had been a notary all his life in the City of Mexico, we comprehend the motive underlying Fray Andrès' choice. The Austin friar proposed that he himself should lay the course of the frail caravel across the vacant seas to the islands of the painted people which Magellan had discovered.

In October, 1896, more than three hundred years later, when the first rebellion under Aguinaldo was making great headway and the bearing of Governor-General Blanco did not inspire confidence, the following cable, signed by the Archbishop of Manila and the Provincials of the monastic orders in the islands, was

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sent to the Procureur of the Dominicans in Madrid: "Situation grave, rebellion spreading, apathy of Blanco inexplicable. To save the situation, urgently necessary appointment new Governor General;" and within forty-eight hours General Polavieja was designated as Blanco's successor. As in the days of Urdaneta, whoever the figurehead might be, whether soldier or civilian, it was the friar who laid the ship's course; and when, as frequently happened of recent years, the sailing-master sought to usurp the functions of the ghostly pilot, he was gently but firmly put on shore.

This patriarchal system of government by monastic missions, so much out of harmony with the spirit of the times, received but survived many severe blows in the house of its friends. Certainly the acts of 1863 and 1893 promulgated by the Spanish Cortes would have destroyed the mission system, but for the fact that the decrees of the Cortes did not then carry as far as they formerly did. When we arrived in the Philippines, we found the monastic orders still supreme, in all the essentials of government, and the Spanish admiral taking his instructions from the Archbishop, rather than from the Minister of Marine.

The moment the American flag went up over the islands, the church was divorced from the state; and the question of the hour became, what to do with the friars now shorn of all their political functions. With this question in process of adjustment, upon the honorable basis of fair compensation to the friars for all property to which they can prove clear title, and with the assurance to the parishes that they can have, as their spiritual advisers, any priest or minister their choice may fall on, provided always he be not unfriendly to the American régime, the time seems opportune for turning a deaf ear to controversy for a moment, and for examining the testimony of facts as to the way in which the friars have performed the mission confided to them of civilizing the Philippine Indians.

This is, indeed, a difficult task. Some of our most responsible officials in the islands have denounced the rule of the friars as a dark page in history, as something too horrible to speak about in detail. Indeed, the absence of detail and particulars in their accusations is very noticeable; but, from their point of view, perhaps it was better, as they said, to throw the mantle of charity over the closed chapter. The Civil Commission presided over by

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Judge Taft, on the other hand, has paid the friars, in the persons of their recent wards, the very highest of compliments. In its report, the Commission recognizes that, during the three hundred years which have elapsed since Pigafetta and others described the islanders as painted savages, addicted to cannibalism and other low practices, they have been so raised in the social scale that now they are ripe for self-government and representative institutions. One can be just to the work of the friars without going to the length of this eulogy. The truth lies somewhere between the extremes.

As you travel in the Philippines and come to a village or a hamlet that is better built than most, if you ask by whom it was founded, the natives will answer that it was built by the Franciscans or by the Austin fathers. In your walks in the interior or along the coast, if you ask who built the great church that crowns the hill, the bridge of massive masonry that spans the river, who ballasted the road that is never washed out during the rains, or who designed the irrigation works that make the plantations possible, the invariable answer is, not Colonel A. or General B. or Don Fulano the layman, but Father A. or Father B., "*Amay' sa culog,*" "the father of the souls." Perhaps, in your travels, you may come to a village or a district where nearly every man, woman and child can speak Spanish with fluency and not a few read and write it. If you have seen the Dutch in Java and Cochin China under the French, you will be much astonished at this fact, unparalleled in the history of those Asiatic countries, which, according to the expression of M. Leroy Beaulieu, are in process of renovation by the colonizing Powers of Europe. Much that is contradictory and confusing has been said on the question of language in the islands. I shall here merely register my personal experience. I never entered a village in any of the islands, including savage Samar, where I did not find several of the head men speaking Spanish, and in many instances good Spanish. I also found that the fluency and the popularity of Spanish were always in direct proportion to the influence and the numbers of the friars in the district. It was poor policy to teach the Tagals Spanish; but the fact that they did so to a very remarkable extent proves that the influence of the clerical teachers was an uplifting one.

Of course, the highest testimony to the work of the friars is to

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be found in a comparison between the condition of the islands when they landed and the state of the country in 1898, when they were superseded. The first great obstacle to their mission of civilization was the absolute lack of roads or even paths of communication. The islands were covered with impenetrable forests and jungles. Almost without means, the friars yet devised a system of road and bridge construction which accomplished wonders. Every inhabitant had to work a certain number of days each year upon the highways, or furnish a substitute. Since this system was abolished, the means of communication throughout the islands have steadily deteriorated. I chanced to be present last year at a convention of all the *presidentes* in the island of Leyte which had been summoned to discuss the question of roads and bridges. I am not quite correct in stating that all the *presidentes* were present, because, owing to the disgraceful condition of the roads, less than one-half succeeded in arriving at Tacloban, the place of meeting, and these came for the most part in boats. The American treasurer of the province told the *presidentes* that he recognized the frightful condition of affairs in an island which had once been, in proportion to its size and population, the most prosperous and progressive of the group; but the fact was, he had no money to replace the bridges that had been swept away. He hoped he would be able to do something for them another year. In a word the Leyte congress adjourned, loud in praise of the system of personal service on the roads that had been a characteristic of the friars' régime.

At the time of the conquest, agriculture, in so far as it was practised at all by the fugitive inhabitants of the islands, was in the most rudimentary stage. They cultivated in a primitive way rice and camotes, a kind of potato, putting the seed in the ground and leaving the rest to generous nature until harvest time came. They were not versed in tillage of any kind, and they knew nothing of irrigation, in consequence of which they frequently failed to make their rice crops, and famines ensued which decimated the population. Once the friars had succeeded in inducing the islanders to give up their nomad life and take up settled abodes, it became necessary to provide them with a more certain crop, a more assured sustenance, than rice under Philippine conditions. To this end, maize was introduced with wonderful success, the friars bringing the seed-corn from Mexico. For three

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centuries, this crop has proved the mainstay of life in the islands. While the friars were not scientific cultivators, it can be said without fear of contradiction that, with the exception of tobacco, which was introduced by the Spanish Government, every staple crop that is now grown in the Philippines and adds to the wealth of their inhabitants was either introduced by the friars, or that its valuable qualities were made known by them to the natives. Practically cut off for so many generations from communication with the outside world, and often involved in the famines which were in a great measure due to the improvidence of the islanders, the friars found it was not sufficient to preach tropical agriculture from their pulpits; it was necessary to work in a more practical way. With this purpose, lands were taken up by them and model farms or plantations established in many districts; and in these schools the natives learned what they know to-day of tilling the soil. This was the genesis of the monastic estates. They have since been increased somewhat by purchase, and largely by bequests; yet, far from comprising the greater portion of the best land in the islands, as has been asserted, the monastic estates amount to less than one-hundredth part of the land under cultivation, and less than one five-thousandth part of the land that might be cultivated. On these farms the friars introduced onions, tomatoes and peppers with varying success; and in Leyte the Jesuits introduced cacao, which is fast becoming one of the most valuable crops. Coffee bushes were growing wild, but it was the Austin friars who first revealed the virtues of this plant. It was they, also, who taught the cultivation of indigo, also indigenous. Indigo soon became a source of great wealth, especially to the inhabitants of northern Luzon. It was the most valuable asset of the island, until, owing to adulteration by Chinese merchants, Luzon indigo became discredited in the markets of the world. Furthermore, it may be said that the natives did not profit by the five or six varieties of sugar-cane growing in the islands until they were taught, and that the wonderful jusi and piña fabrics which are now so much sought after in the world of fashion, come from the looms which the friars first established in Panay and Cebu.

Within a very few months of the founding of Manila, the friars opened schools, and until 1863 there were none in the islands other than those over which they presided. As the natives were

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weaned from their migratory habits, and induced to cultivate the land, higher schools and colleges were founded, the most notable of which is the college of Santo Tomas, which exists to-day as the Manila University. This institution, founded by the Dominican friars, opened its doors in 1620, the year of the landing of the Pilgrim Fathers. The college flourished, found favor with Philip the Fourth, and in the year 1644, by a Papal bull, it was raised to university rank and styled Royal and Pontifical. Down to the present day, all the professors in this university have been Dominican friars, with the exception of the faculty of medicine and pharmacy. As far back as 1640, to fill the gap between the ordinary parish schools and the university, the preparatory school of San Juan de Letran was instituted. Here, at a later day, Aguinaldo and Lucban and Malvar studied. With the increase of population, the educational movement spread, largely through the inspiration of the friars and entirely under their supervision. By the beginning of the eighteenth century, the Dominicans presided over a flourishing high school in Dagupan, the Franciscans had a famous college in the Camarines, and the Austin friars had founded colleges in Negros and Iloilo. The refinement and intelligence of the Philippine women of the better class to-day would seem to be due to the educational advantages which were offered them by the Orders, a thing hitherto unknown under Asiatic conditions, and certainly far in advance of anything similar in Spain. The college of Santa Rosa, better known as the school of Mother Paula, in memory of its first Mother Superior, was founded in 1759. Shortly after this, at the suggestion of the Dominican fathers, the Sisters of Charity came out from Spain and founded ten high schools for women, of which the Luban and the Concordia school in Manila are the best known. Soon there were thousands of scholars, internes and externes, studying in these schools. The young men of the country flocked to the city and matriculated at the University in hundreds. I did not look the matter up when the opportunity presented, but I have heard it stated and I believe it to be true, that more men have matriculated at Santo Tomas, the University of Manila, than at Harvard.

Those who up to the present have deigned to glance at the work of the friars in the islands generally state that, in the first place, there were no schools and it was impossible to secure an

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education, and, in the second place, that the schools were very bad and the mental training provided most faulty. But the facts are against both these statements. The Dominicans who presided over the destinies of the University were and are men of the very highest intellectual attainments. They have gone from Manila to Rome, where they have become Princes of the Church, members of the Sacred College, and several of them have controlled the Propaganda. Before going to Manila they were successful, and after leaving Manila they carried out what they undertook, but, nevertheless, it must be admitted that in three hundred years not a single pure-blooded Filipino of the thousands that they have graduated has distinguished himself or left a considerable name in any walk of life. Why is this? Some of the friars told me once that their educational efforts had failed because of the invincible "passivity" of the Indian. "Luna, the artist," said one of these really distinguished teachers, "had more Spanish and more Chinese blood in his veins than Indian. Rizal was probably half Japanese, he certainly was very little Tagal, and Lucban, who has given you so much trouble in Samar, is a mixture of all races. Out of the thousands and tens of thousands of pure-blooded Tagals and Visayans we have nursed through the University, we have only succeeded in producing a number of fairly good apothecaries and a notary or two."

From the Conquest down to 1863, the primary as well as the higher education of the islanders was left entirely in the hands of the Monastic Orders. The territory of the Dominicans was in Pangasinan and Cagayan. The Franciscans looked after the Camarines, Tayabas, Leyte and Samar; and the Austin friars, Cebu and other portions of the Visayas, and Ilocos and Lepanto. At this time, the Austins had in their charge two million souls, and the Franciscans about the same number. The missionary work in Mindanao was in the hands of the Jesuits. By the legislation of 1863, the parish schools, which the friars had controlled since the conquest, were in a sense removed from their charge. In the earlier days, the parish priest had taught school when he could, when not engaged in burying the dead and baptizing the new born, when not otherwise occupied with his various duties such as collector of the industrial and urban tax, chairman of the Road and Bridge Vigilance Committee, chief sanitary officer and fighter of the locust plagues. In view of these demands upon

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his time, his activity in school-work was generally seconded by his most promising scholar, who often became *de facto* school-master. To each parish there were attached, as the population grew, many *barrios* or hamlets where the friar was represented by a native priest, as a rule. These *barrios* often became as large as the mother parish, and here again primary education was primitive. The priest was represented by another pupil, and the school-house was no better than his parish funds could provide.

The legislation of 1863, whatever its underlying motive may have been, was not frankly hostile to the supremacy of the church. The teachers installed by the friars kept their places, but the Jesuits were authorized to found a normal school in Manila, from which in the future teachers for the district or municipal schools were to be drawn. The parish priest was recognized as inspector of all schools within his parish until 1893, when, by the municipal or township act, the control of the schools passed entirely into the hands of the municipal officers. Men as hostile to Spanish dominion as Aguinaldo were installed as teachers, and the schools became the hotbeds of the Separatist movement. There is much evidence to show that from this time the attendance at the schools diminished, and the character of the education received by the children deteriorated. It could hardly be otherwise when not seldom there was not a single member of the school board, composed of the municipal officers, who could read or write.

The friars were no less distinguished as soldiers. They were well to the front in all the wars of the conquest, with the sword in the right hand and the cross in the left, after the doughty fashion of San Vicente de Ferrer. They were prominent in all the expeditions to the Moluccas and to Cochin China. They inspired the resistance to the invasion of the islands by the English in 1762, and the return of our cousins to Bombay with very little loot was due to the friars, their wisdom in council, their bravery in the field. The coral watch-towers and the stout fortresses which dot the coast of Luzon and all the Visayan islands, still tell of the vigilance with which the friars protected their flocks from the attacks of the Jolo Mohammedans, and the marauding expeditions of the Borneo and Mindanao pirates. This assistance in war which the apostles of peace gave was very gratefully received. Even in this day, I have heard the Tagals

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and the Visayans assembled under the shadow of their ruined *cottas* sing the daring deeds of El Padre Capitan, Fray Ruiz Bermejo of Cebu, who, with his valiant flock, not content with beating the Moros on the high seas, followed them with fire and sword and destroyed their up-river fastnesses.

Unfortunately, however, for their popularity among the islanders, the friars were as vigorous in their treatment of what they deemed sedition, as they were in combating invasion. They were the most relentless and vigilant enemies to those who conspired against monastic rule and the suzerainty of Spain. Even during the eighteenth century, there were not a few insurrections, forerunners of that rebellion against white supremacy with which we have been so recently confronted. In each and every instance, it was the friar who, through his deep knowledge of this by no means superficial people, discovered the conspiracy before great headway had been made, and suppressed it with relentless vigor. The same fate befell the revolts of the nineteenth century; that of Novales in 1822, of Cuesta in 1854, the Cavite uprising in 1872, and, last, the great uprising of 1896 (discovered by Fray Mariano Gil, a parish priest of Tondo), were all brought to light by the friars, and the revolutionists were compelled to take the field long before their preparations had been completed. After this simple enumeration of their acts of repressive activity, is it necessary to enquire farther as to the cause of the unpopularity of the friars among certain classes of Philippine society? By their unceasing vigilance, time and again, the friars thwarted the aspirations of an ever increasing number of Filipinos. They were undoubtedly very blameworthy in thus fighting for Spain. By their vows they had been released from their earthly allegiance, but the history of all missions goes to show how difficult it is for the missionary to forget the country of his birth in her hour of danger.

A very long chapter of Philippine history is filled with the squabbles between Spanish military and civil administrators, and the leaders of the Monastic Orders. Undoubtedly, no Governor-General could rule who antagonized the friars, simply because these latter, until within the present generation, were the only agents of the state as well as of the church to be found in the islands. Owing to the tremendous influence which the friars exercised, their undoubted power to baulk or to make an adminis-

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tration successful, I do not attach a high value to the statements publicly made by various Spanish administrators during their incumbency, as to the efficiency of the Monastic Orders in their prescribed work of civilization and progress. However, it was the custom of the retiring Governor-General to leave a memorial descriptive of the existing conditions for the guidance of his successor in office. From these memorials, which have been recently printed in Madrid, I make the following excerpts, which surely have an added importance from the fact that they were never intended to see the light of day. In his memorial, General Don José de la Gandara says:

"The members of the religious Orders are the most efficient and powerful instruments of government at the disposal of the Governor-General in ordinary times and at all times. In the day of danger and emergency they are absolutely indispensable. Often, in the government of a province inhabited by half a million people, the supreme ruler of the islands has placed under his orders but two or three officials who are ignorant of the language spoken, whose residence is anything but permanent, and who are overwhelmed with an infinite amount of routine work. Government would be impossible were it not for the twenty or thirty friars living in their respective parishes who educate the natives, guide, discipline and control them. Their influence is great because of the reverence which their sacred office inspires, because their residence is permanent, and because they are thoroughly acquainted with the languages, the customs and the history of the people they seek to uplift. To-day it may be said without exaggeration that the government of the Philippines without the friars would be an impossibility."

General de la Torre, who was Governor-General during the time of the Spanish republic in 1873, and who passed for the most radical of the red republicans, whose whole administration was one long fight with the church, yet had this to say when he came to write his secret memorial:

"To deny the services which the religious Orders have rendered to the church and the fatherland in these islands would be the height of injustice and the most base ingratitude. To-day as in the past the Dominicans, the Austins, and the Recoletos, are rendering indispensable services. Any denial of this would be to ignore the history of our dominion in the Philippines, would be to deny what is apparent to the least observant. Any attempt at the present time to limit their sphere of influence would result in immense evils, would be, in my opinion, the height of impolicy, the most thoughtless imprudence. For a long period still, as long as there does not exist an agency to replace them and to do the civilizing work which is being performed by the religious

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Orders in such a worthy manner, their presence here is indispensable. We must protect them and encourage them in exchange for the inestimable services which they render the state. It should never be forgotten that the degree of civilization and the prosperous and improving condition of the people of these islands are due almost entirely to the constant loyal and patriotic endeavor of the religious Orders."

Don Domingo Moriones, who was Governor-General in the seventies and who left behind him an enviable reputation for honesty and integrity, writes:

"Innumerable facts, which history cannot fail to register, tell of the labors and the sacrifices made by the religious Orders in carrying out their double mission in behalf of religion and civilization. After three centuries of a holy war, the struggle is resulting in the civic, social and religious redemption of seven millions of people. This result is undeniable proof of what the work of the friars has been in the past, what it is in the present, what it will be, I doubt not, in the future."

And, finally, I find, strangely enough, General Primo de Rivera, to whom many views very hostile to the friars have been credited in the American Congress, making the following statement in the Spanish Cortes:

"It is undeniable that in these islands the religious Orders have rendered great services. They have spread the Christian faith, and it is certain that civilization owes them much, perhaps everything. I do not believe the friars can be replaced. It is true that among them there are vicious men who commit abuses; but these individuals are exceptional, and I believe the evils of the system can be remedied without going to extreme measures. It is certain that the immense majority of the friars are good men, worthy of every consideration, deserving of much praise."

There are two standing accusations against the friars—of exploiting the natives and of leading dissolute lives. The latter is based upon scandalous stories such as are, unhappily, in circulation in every community, and upon the fact that half caste children were sometimes born in the inland parishes. This phenomenon was often ascribed to the presence of the friars, but it is difficult to say with what justice. It is certain, however, that, though for more than four years the friars have been withdrawn, these miserable Eurasian children continue to come into the world in ever increasing numbers.

As to the charge of plunder, made so frequently and in such frantic terms, it is possible to be more explicit. The management

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of the Monastic Orders was careful and in some respects thrifty. They had to be self-supporting or their missions would collapse. Rarely a penny reached them from Spain, and their tithes seem to have been paid largely in chickens and eggs. Their property all remained in the Philippines, only an incredibly small sum being sent annually to Spain to bear a part of the expense of the young friars who were being educated for the Philippine missions, and to support the invalided and superannuated brethren who had gone back to Spain. For three hundred years, these great corporations have been exploiting a country of large resources, the extent of which is alone known to them, and the valuation placed upon their estates, their monasteries and all their possessions, by Judge Taft is considerably under $10,000,000, which estimate is considered a just, if not a generous, one. There are half a dozen foreign firms in Manila without the knowledge of the people and the islands which the friars possess, who have made as much money as this out of the Philippines within the decade.

Confessedly, in the foregoing paragraphs, I have dwelt in preference upon what is praiseworthy in the work of the friars. Theirs was a noble mission and an exacting one, the friars were human and their history is not without stain. They seem, at times, in personal as well as in political affairs, to have been swayed by passion like other men. But, when time has calmed the controversy to which the termination of their mission in its mediæval shape has given rise, it will be seen that under their guidance a large proportion of the Filipinos have reached a much higher stage of civilization than has been attained by other branches of the Malay family under other circumstances and in another environment. I believe the work of the friars is recorded in the golden book of those who have labored for their fellow men, and I am confident the credit of it, though dimmed to-day by partisanship and want of charity, will not escape history.

STEPHEN BONSAL.

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AN IDEAL SCHOOL OF POLITICS AND JURISPRUDENCE.

BY HANNIS TAYLOR.

THE historical method of investigating the origin and growth of law, public and private, beginning with its germs in primitive society, attempts to explain its nature and meaning through the record of its development. The main difficulty in the way of complete demonstration is the fragmentary character of the evidence as to the initial forms of law in the early periods. Only by a comparison of such fragments as have been preserved in the survivals of ancient law or custom, in the usages of savage tribes and stagnant nations, or in the annals of a few ancient historians, is it possible to reconstruct primitive society as a complete organism. The same process of thought that gave birth to comparative philology and comparative anatomy, at a little later day brought forth comparative mythology, comparative politics and comparative jurisprudence. These new branches of knowledge are simply parts of the general result of the transition that has taken place since the end of the eighteenth century, from the old or artistic method of historical investigation to the new or sociological.

The term "politics," when taken in the Aristotelian sense, embraces not only the systems of constitutional law under which states are governed, but also the codes of domestic law by which the interior life of the state is regulated. Hence it is that Sir Frederick Pollock tells us, in his "History of the Science of Politics" that "jurisprudence is a branch of politics." Therefore, upon the threshold of his career, the student of law, as that term is usually employed, should be impressed with the fact that his knowledge can never be either complete or comprehensive until he masters the Science of Politics, a science which involves

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the study, according to the comparative method, not only of the dominant constitutional systems, but of the typical codes of the civilized world. He should be exhorted to learn from Mr. Freeman that:

"for the purposes of the study of comparative politics, a political constitution is a specimen to be studied, classified and labelled, as a building or an animal is studied, classified and labelled, by those to whom buildings or animals are objects of study. We have to note the likenesses, striking and unexpected as those likenesses often are, between the political constitutions of remote times and places; and we have, as far as we can, to classify our specimens according to the probable casuses of those likenesses."[1]

By means of that process, a definite understanding has at last been reached as to the difference in structure between the modern state, as the nation, and the ancient state, as the city-commonwealth. Around those two radically different conceptions of the state are grouped all important political and legal theories, past and present,—the term "political" being used to distinguish the outer shell of the state from the "legal" code by which the details of its interior life are regulated. The simple statement of the matter should settle the fact that there can be no logical severance of the study of the outer shell of the state from that of its inner mechanism. A state is a "going concern" whose machinery is so interdependent that no one part can be fully understood without a knowledge of every other. If that be true, there can be no justification for the prevailing system which severs the study of these inseparable subjects from each other. The results of the Historical Method now demand that an ideal school for the combined teaching of Politics and Jurisprudence should recognize the following hierarchy of thought as the natural and logical one: (1) comparative politics; (2) comparative jurisprudence; (3) constitutional law of the particular state; (4) municipal law of the particular state; (5) international law, public and private; (6) international relations, diplomatic, financial, and economic. A student thus trained would have clearly before his mind, not only the entire structure of his own state and its international relations with other states, but also a comparative view of all the notable constitutions and codes of ancient and modern times. A tableau of subjects arranged upon that basis would provide,

[1] "Comparative Politics," p. 15.

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in a natural and progressive order, a place for every important theme which has ever entered into the legal thought of mankind.

The most notable single result so far attained by the application of the comparative method to the study of political institutions, is embodied in the discovery, that the unit of organization in all the Aryan nations, from Ireland to Hindostan, is the naturally organized association of kindred—the family swelled into the clan—which, in a settled state, assumed the form of a village community. When we turn to the Hellenic world, in which the science of politics was born, we there find that the state is a composite whole that has arisen out of an aggregation of village communities. To the Greek mind the state, the city-commonwealth, was an organized society of men dwelling within a walled city, with a surrounding territory not too large to prevent its free inhabitants from habitually assembling within its limits to discharge the duties of citizens. Passing from the Greek to the Italian peninsula, we there also find the idea of the independent city to be the leading political idea. Upon the soil of Italy it was, that a group of village communities grew into a single vast and independent city that centralized within its walls the political power of the world. Departing from the exclusive policy of the Greek cities, Rome accomplished that marvellous result through a policy of incorporation, carried out by the extension of her franchise first to Italy, then to Gaul and Spain, and finally to the whole Empire. And so, whether we take for illustration the exclusive Greek city or the great Latin city extending its franchise to all the world, the ancient conception of the state as the city-commonwealth stands forth clearly and distinctly defined. Not until that fact has been firmly grasped, is it possible to understand the process through which, out of the settlements made by the migratory Teutonic nations upon the wreck of the Roman Empire, has gradually arisen the modern conception of the state as a nation, occupying a definite area of territory—the state as known to modern international law.

The completion of the transition from personal to territorial sovereignty is marked by the accession of the Capetian dynasty in France. The form then assumed by the French monarchy was reproduced in each dominion subsequently established or consolidated, and thus has arisen the state-system of modern Europe, in which the idea of territorial sovereignty is the basis of all in-

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ternational relations. Not until the student has possessed himself of this modern idea of the state, is he prepared to enter upon the comparative study of the constitutions of France, Germany, Switzerland, Austria-Hungary, Sweden-Norway, Great Britain, Spain and the United States,—constitutions of the new type, in which the history of representative government is embodied. Not only should the growth of each of these constitutions be so outlined as to disclose the central and local organization and the administrative development of the parent state, but, also, in the case of the colonizing nations, to indicate the distinctive features, at least, of the colonial system of each.

In passing from such a review of comparative politics to that of comparative jurisprudence, the student would understand already that the great problems to be mastered in the new field are those involved in the origin and growth of Roman law, originally the code of a single city-commonwealth, and of English law, originally the code of a single Teutonic state representing the new type of territorial sovereignty which arose out of "the process of feudalization." Roman and English law, less colored by outside influences than the other legal systems of Western Europe, most perfectly present normal and untrammelled legal evolution in the freedom and individuality of their development. Legal science is really a Roman creation, an evolution from a code which, in its primitive form, was merely an enunciation in words of the customs of the Roman people, put forth before Roman society had finally emerged from that condition in which religious duty and civil obligation are inevitably confounded with one another. It has been said that Roman law begins with a code and ends with a code. The *Corpus Juris Civilis* was the final outcome of the process of evolution that began with the decemviral code of the Twelve Tables, four centuries and a half before Christ, and ended with the compilations made in the reign of Justinian, more than five centuries after Christ. With the creation of the primitive code, the spontaneous development of Roman law ceased; and then the question of questions that arose was as to the means of adapting an unelastic system of strict and highly formal law, originally confined to a single city, to the ever-increasing wants of a society which was expanding into an empire. That result was slowly and silently accomplished by the employment in their natural order of Legal Fictions, Equity and Legisla-

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tion. As the *jus civile,* administered by the *praetor urbanus,* was the special property of those who shared in the Roman tradition and worship, the large body of resident foreigners at Rome would have been entirely without the benefits of law, but for the establishment of the praetor of foreigners *(praetor peregrinus),* whose duty it was to administer justice between Roman citizens and foreigners, between foreigner and foreigner, and between citizens of different cities within the Empire. As this praetor could not rely upon the law of any one city for the criteria of his judgments, he finally turned his eyes to the codes of all the cities from which came the swarm of litigants before him. In the generalizations necessarily made upon such data we have the beginnings of comparative jurisprudence, whose first fruit at Rome was the ascertainment of the fact that there are certain universal and uniform conceptions of justice common to all civilized peoples. Before this new growth *(jus gentium),* watered by the learning of the jurisconsults, reached its maturity, the intellectual life of Rome had passed under the dominion of her subjects in Attica and Peloponnesus just after they had yielded to the ascendency of the Stoic Philosophers, who were ever striving to discover in the operations of nature, physical, moral and intellectual, some uniform and universal force pervading all things that could be designated as the law of nature—the embodiment of universal reason—identical with Zeus, the supreme administrator of the universe. Through the mind of the Roman lawyer that splendid conception entered into the *jus gentium,* as an expanding and enriching force which finally lifted it into a higher sphere. In that way a broad principle of Greek philosophy became so blended with a particular branch of Roman commercial law, that the Antonine jurisconsults finally assumed the position that the *jus gentium* and the *jus naturae* are identical.

Not until the elements composing the body of Roman law prior to the compilations of Justinian have been analyzed and explained, should the effort be made to unfold the processes through which that law entered into the modern legal systems of Europe, notably into those of France, Spain, Germany and England. Such an effort necessarily involves an account of the influence of the Theodosian Code upon the legislation of the first Teutonic conquerors within the Empire, embodied in the code of Alaric II. known as the Breviary *(breviarium Alaricianum),* and in the

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new *Lex Visigothorum* prepared in Spain in the seventh century. That summary of Roman rules and Gothic custom, superseding the earlier compilation of Alaric, became the basis for Spain's later codifications. Although rejected in Spain the code of Alaric was retained in the south of France, whence it was transmitted to the north, and then to Germany and England, where it continued to be the chief, if not the only, source of Roman law until the eleventh or twelfth century, when the *Corpus Juris Civilis* as compiled by Justinian (or, rather, Trebonian) became the basis of the enthusiastic revival of the study of jurisprudence.

After that point has been reached, it is easy to trace the extension of the new learning from the Italian schools of Bologna and Pisa into France, Spain, Holland, Germany and England. As the consolidation of the kingdom of France advanced, the expert jurists, trained in the systematic study of Roman law in the universities, who were sent in the name of the crown to enforce the royal jurisdiction, so embodied the principles of the Roman code in their decisions that in time it came to be accepted, in the greater part of France, as the common law of the land, in the absence of proof of special custom or enactment. With a strong infusion drawn from Germanic custom, the compilations of Justinian, after being modified and adapted to the new conditions of French history, survive as the basis of France's last great codification, the *Code Napoléon.* Beyond the Rhine, where Rome never established her dominion, not only deep-rooted Germanic custom but the decentralizing forces of feudalism, in an extreme form, confronted the efforts of the Holy Roman Empire to advance the work of unification by fostering the irresistible system of Roman law, whose principles were upheld by the imperial courts and imperial lawyers, its faithful administrators and advocates. Without being able to displace Germanic custom, the Roman code so modified and supplemented it that in the end, it became not only the basis of all German legal study, but the *prima facie* rule of decision in the absence of conclusive proof, upon the part of the suitor who pleaded established local usage, that such usage existed as recognized law. Through her acceptance of Roman jurisprudence, Holland was able to give to the world a master of it in the person of Hugo Grotius, who found, in the *jus gentium,* the reservoir from which he attempted to draw a body of rules adequate, by virtue of their intrinsic weight

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and dignity, to compel the obedience of the then freshly emancipated European nationalities, without the coercive force of any recognized central authority. Thus it was that a particular branch of Roman commercial law became the germ out of which has been developed modern international law. Not until the extension of Roman law into the leading Continental European nations has been clearly explained, should the attempt be made to trace the processes, too important to be overlooked, through which the colonizing European nations have replanted it in their settlements beyond the seas.

The student of English customary law should lay firm hold upon the fact that, through the Teutonic conquest and settlement of Britain, the whole fabric of Teutonic life was replanted, within certain limits, in its primitive purity, on a free and unencumbered soil. As Taine has expressed it: "While the Germans of Gaul, Italy and Spain became Romans, the Saxons retained their language, their genius and manners, and created in Britain a Germany outside of Germany."[1] The Teutonic political system as a whole rested upon the collective weight of individual freemen acting together in an expanding series of popular assemblies, whose jurisdiction, beginning with the smallest local affairs, so widened as to embrace the gravest national concerns. The foundations of this primitive system, composed of these local, self-governing communities—the nurseries of the customary law—were so deeply laid in Britain, that the system itself has been able to survive all the mutilations through which the English nation has passed. When the Norman came, he seized the Central powers of the state, but the local Teutonic system remained unshaken by the assault. Upon this local system, as a substructure, the Norman built up his administrative system, as a superstructure, and out of the fusion between the two has grown the modern constitution. The same agencies which, during the Angevin reigns, brought about the amalgamation of the new administrative system and the ancient local machinery, also brought about a union between the new system of royal law, which radiated from the *curia legis,* and the ancient system of customary law as administered in the local courts. Out of the union of a certain branch of royal law—the system of inquisitions introduced into England by the Normans, who derived it directly from the Frank Capitu-

[1] "History of English Literature," vol. 1, p. 50.

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laries, into which it was probably adopted from the fiscal regulations of the Theodosian Code—with a certain kind of witness-proof imbedded in the customary law, has been gradually developed the English jury or judgment, the trial-jury of modern times. More potent still was the influence of Roman law as asserted in the Court of Chancery presided over first by great ecclesiastics, who remedied the deficiencies of the customary law through the agency of Roman legal principles and procedure; in the Ecclesiastical Courts, constructed on the same plan, and charged, until very recent times, with the administration of all estates and all trusts in England; and in the Courts of Admiralty, administering a code of maritime law whose deficiencies were "supplied from that great fountain of jurisprudence, the civil law, which was generally adopted to fill up the chasms that appeared in any of the municipal customs of modern European nations."[1] To such an extent did Roman influence affect legislation in the reigns following the Conquest, that competent critics have declared that wellnigh one-half of the contents of the laws of Henry I. consist of precepts drawn from Roman sources. As Vacarius began the systematic teaching of the civil and canon law at Oxford as early as 1149, it is not strange that we should be able to trace the influence of the imperial and pontificial jurisprudence in the works of such text writers as Granvill, Bracton, Britton and Fleta. The familiarity of Bracton with it is manifest not only from its frequent quotations from the Digest, Institutes and Code of Justinian, but also from his use of Roman definitions and maxims. When the time came for English judges to realize that the doctrines of the customary law were not equal to the growing exigencies of English commerce by land and sea, Lord Mansfield, a well-trained civilian, indicated a disposition to look to foreign sources by quoting, in his opinion in Luke *vs.* Lyde,[2] the laws of Rhodes, the Digest, the *Consolato del Mare,* the laws of Oléron and Wisby, *Roccus de Navibus et Naulo,* and the *Marine* Ordinance of Louis XIV.

And yet, after all has been said that can be said, as to the extent to which English customary law has been refined, expanded, enriched by the absorption of Roman elements, the fact remains that it has never lost either its identity or its distinctive charac-

[1] Reeves, "History English Law," vol. iii, p. 388.
[2] 2 Burr, 882. Involving the important question of freight *pro rata.*

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ter. In the same sense in which the English language is Teutonic, English law is Teutonic. Just as the Romance words which the Norman brought with him were woven into the woof and warp of the English tongue, so the Norman's ideas of law and administration were woven into the primitive constitution. In England as in Rome the motive power of legal change has ever been drawn not from a small governing class, but from the nation as a whole. For centuries, that popular initiative has been unconsciously adapting the primitive code to the ever-increasing wants of a progressive society. To paraphrase the language of Savigny, as to the nature of law in general, English law may be described as an aspect of the total common life of the nation; not something made by the nation as matter of choice or convention, but, like its manners and language, bound up with its existence, and indeed helping to make the nation what it is.

Not until his horizon has been widened by an adequate review of comparative politics and comparative jurisprudence, is the student of the Constitution of the United States prepared to begin the analysis of the complex political system under which he lives. Our federal republic is the outcome of all the ages; it is not the result of special creation, but of evolution. It arose out of an aggregation of States. As Mr. James Bryce has expressed it: "They existed before it. They could exist without it."[1] The all-important fact to grasp at the outset is, that the unit—the typical English state in America—is simply a natural and involuntary reproduction of the English state in Britain, which was the outcome of aggregation. Out of a union of townships grew what was finally known in England as the hundred; out of the union of hundreds grew the modern shire; out of a union of modern shires grew the English kingdom. The power to subdue and settle a new country, and then to build up a state by this process of aggregation, constitutes the strength of the English nation as a colonizing nation. By that process, capable under favorable geographical conditions of unlimited expansion, has been built up the federal republic of the United States. "In America . . it may be said that the township was organized before the county, the county before the State, the State before the Union."[2] In order to ascertain how the English colonies in America were construct-

[1] "American Commonwealth," vol. 1, p. 14.

[2] Tocqueville, "Democracy in America," vol. 1, p. 49

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ed, we must look behind their charters at the lives of the men who made the settlements out of which they grew. "Under the shell there was an animal, and behind the document there was a man. The shell and the document are lifeless wrecks, valuable only as a clew to the entire and living existence. We must reach back to this existence, endeavor to re-create it."[1] In some instances, the colony was formed by the coalescence of the local communities before a charter was granted; in others, the charter was granted first, and the colony then sub-divided into districts as the local communities were organized. Through the results of the Revolution, the people of each colony became themselves sovereign, and as soon as they "took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament, became immediately and rightfully vested in the State."[2] When the offspring is compared with the parent, when the English state in America is compared with the English state in Britain, the resemblance is too close to escape the most careless observer. In both, the political sub-structure is the same,—the ancient Teutonic system of local, self-governing communities composed of the township, the hundred, and the shire. In each, municipal organization rests upon substantially the same basis. So far as central organization is concerned, every American State is a mere reproduction of the central organization of the English kingdom, with such modifications as have necessarily resulted from the abolition of nobility, feudality and kingship. In the new, as in the old, the central powers of the state are divided into three departments—legislative, executive, and judicial—which, in the same qualified sense, are separate and distinct from each other. The first brand-new idea contributed to the politics of the world by the process of state-building in America, is embodied in the vitally important and far-reaching principle known as constitutional limitations upon the legislative power—an invention which rests upon the doctrine of the sovereignty of the people, as distinguished from the sovereignty of Parliament.

Any attempt to describe the process through which the American colonial commonwealths were drawn together, first in lax and imperfect confederacies, and finally into the most perfect

[1] Taine, "History of English Literature," vol. 1, p. 1.

[2] Taney, C. J., in Martin *et al vs.* The Lessee of Waddell, 16 Peters, p. 416.

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federal union which has ever existed, should be prefaced by an outline of the history of federalism as a system of government. Because they represent the closest preceding approaches to the perfect federal ideal, special examination should be made of the constitutions of the Achaian League (B.C. 281-146); of the Confederation of the Swiss Cantons (from 1291); and of the Seven United Provinces of the Netherlands (1579-1795). The outcome of the inquiry will settle the fact that the fundamental principle upon which all such fabrics rested was the requisition system, under which the federal head was simply endowed with the power to make requisitions for men and money upon the states composing the league for federal purposes, while the states alone, in their corporate capacity, possessed the power to execute and enforce them. Upon that antiquated and inefficient plan was constructed the first federal constitution of the United States embodied in the Articles of Confederation. No advance whatever was made until the making of the second federal Constitution of 1787, when America gave birth to a novel and irresistible political idea, by devising a federal system which should act not on the States but directly on the individual, and vest in Congress full power to carry its laws into effect. That path-breaking idea, which the Websters (Pelatiah and Noah) were the first to express, embodied the second vitally important political principle to which our career as a nation has given birth. Out of its union with the principle of constitutional limitations on the legislative power has arisen a federal creation without historic prototype.

Not until he is armed with a clear understanding of the structure of the outer shell of the dual political system under which he lives, is the student of American jurisprudence ready to enter upon the technical study of municipal law as arranged in the courses of the ordinary law-school. Thus armed, he cannot suffer so much from the narrowing and bewildering system of case-law instruction, because he will be in possession of much of the knowledge which that system presupposes. When he is required to know the difference between law and equity, he will understand that he is dealing with the two historic codes—Roman and English—side by side. If he is called upon for a thesis upon the Constitution of Louisiana, he will be prepared to explain how the outer shell of a State may be Teutonic and the inner mechanism Roman.

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After the entire structure of the particular state has been fully mastered, nothing remains for examination but its relations with other states of the same class. So far as those relations are legal, they are embodied in the system of rules generally known as international law, public and private. In order, however, to attain to a complete knowledge of such relations, the inquiry should be so extended as to embrace their diplomatic, financial and economic aspects. Guided by such a scheme of progressive and unbroken thought, the student could traverse, possibly in three, certainly in four years, the entire field occupied by Politics and Jurisprudence, cheered on the way by the consciousness that each succeeding stage of the journey will be made easier by the knowledge acquired during that immediately preceding it.

HANNIS TAYLOR.

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THE LATER WORK OF MR. W. B. YEATS.

BY FIONA MACLEOD.

It is hardly a decade since the rise of a new "Gaelic" or Anglo-Celtic "school" in literature was looked at as the idle dream of an enthusiast here, a visionary there. As for a Celtic Drama—a Drama that would have nothing in common with the accepted Irish melodrama so popular in England, but would have everything in common with the dreams of Irish poets and the tragic history of Ireland; a Drama that would not set itself to please through a facile laughter and an easy pathos, but through the magic of legendary associations and the spell of a timeless imagination working within a passionate nationalism of mind and spirit—for a Celtic Drama such as this, there was not even derision. The idea was too remote.

To ignore, now, the Anglo-Celtic "school"—I prefer to say the Anglo-Celtic group—would be too parochial even for a London critic trained in the narrowest academical and literary conventions. One may ignore this or that writer: all cannot be ignored, for they are now many, and some have that distinction which rebukes the sullen. One may deprecate the "movement," may decry it, may more insolently patronize it—as some French critics patronize Aubanel, Mistral, and the Provençal school, or as they patronize the poets and romancists of the Breton people: but one can no longer say it is not present, or is not to be reckoned with. There are, of course, faults on both sides. On each are wrong claims as well as wrong refusals, wrong assertions as well as wrong denials. In time, these adverse influences will combine in understanding, and, later, in sympathy and amity. If on the one side there has been obtuseness (to speak of a sullen ill-will on the part of England towards Gaelic Ireland and Gaelic Scotland is now grotesquely untrue), there is a worse quality than

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obtuseness on the other, a cultivated hate. It is almost inconceivable to what lengths this cult of revenge or hatred, this blind irreconcilability, will go. Not only the ignorant and idly passionate yield to its facile contamination, but those who would be spiritual guides and leaders pin to it all their hopes. These influences and blind advocates, of course, must exist, so that out of evil good may come: but meanwhile they are the subtlest foes of Ireland and of that whole Anglo-Gaelic world which is now gathering itself for a last effort to resist extinction.

At present, however, there is, of the Irish group, one writer who stands apart. Whether one care for or dispute "the Celtic movement," none denies that Mr. Yeats is of the very few writers of the younger generation who can persuade us to the use of that sadly abused word "genius." As essayist, romancist, dramatist, but above all as poet, he has a unique place.

The color of his style is the color of his thought, and the color of his thought is the color of a genius larger than his own, the genius of a race.

With the romances of "The Secret Rose," the fantasies and episodes of "The Celtic Twilight," or the several fascinating and suggestive essays in which, I think, is to be found Mr. Yeats's finest work in prose, I do not now attempt to concern myself. Nor, indeed, do I wish at present to consider his poetry as a whole: for his work in verse is familiar to most of us, and has been widely considered by others. But I would say a few words concerning his latest book of verse, his "Shadowy Waters," and his dramatic work.

In a small book of verse, "The Wind Among the Reeds," recently given us by Mr. W. B. Yeats, I think a note is touched which is significant. It is the beginning of a new music, and of a new motive. It is not often, I imagine, that titles are so apt as that chosen for this little book. These fewer than two-score poems, most of them within the boundary of a page, are small and slight as reeds; and the wind which moves in them a delicate music is as invisible, as mysterious, as elemental as that "strong creature, without flesh, without bone, that neither sees nor is seen," of which long ago Taliesin sang. To understand its intimate music, certainly to feel that music translate itself into the rhythm of dream, one must go to this book as to a solitary place where reeds rise in the moonshine. To know intimately the

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mystery of these solitudes, it must be when the wind is the only traveller, and sunlight and shadow, the stars and darkness and the wandering plover are the sole visitants. How else is one (though, indeed, the blind bird in the heart must have sung the same song) to feel as Hanrahan with the curlew wailing overhead and an old memory beating with bewildered wind against a sense of further sorrow yet to come:

"O, Curlew, cry no more in the air,
Or only to waters in the West;
Because your crying brings to my mind
Passion-dimmed eyes and long heavy hair
That was shaken out over my breast;
There is enough evil in the crying of wind."

This little book has the remoteness, the melancholy, of all poetry inspired by spiritual passion. It has, too, that other melancholy of which one of the subtlest of modern poets wrote in a forgotten early tale: "*Les rêves du poète et de l'amant-rêves qui, par une loi inexplicable de notre nature, ont toujours une teinte de mélancolie, même dans leurs plus splendides rayonnements, et qui ne sont les plus délicieux des rêves qui grâce à cette même mélancolie.*" Here we are aware of the stillness of things that are past or are not again to be:

"I bring you with reverent hands
The book of my numberless dreams;
White woman that passion has worn
As the tide wears the dove-gray sands,
And with heart more old than the horn
That is brimmed from the pale fire of time,
White woman with numberless dreams,
I bring you my passionate rhyme."

This note of loss, of regret, finds constant expression.

"I hear the shadowy Horses, their long manes a-shake,
Their hoofs heavy with tumult, their eyes glimmering white;
The North unfolds above them clinging, creeping night,
The East her hidden joy before the morning break,
The West weeps in pale dew, and sighs passing away,
The South is pouring down roses of crimson fire.
O vanity of Sleep, Hope, Dream, endless Desire,
The Horses of Disaster plunge in the heavy clay.
Beloved, let your eyes half close, and your heart beat
Over my heart, and your hair fall over my breast
Drowning love's lonely hour in deep twilight of rest,
And hiding their tossing manes and their tumultuous feet."

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Mr. Yeats is assuredly of that small band of poets and dreamers who write from no other impulse than because they see and dream in a reality so vivid that it is called imagination. With him the imagination is in truth the second-sight of the mind. Thus it is that he lives with symbols, as unimaginative natures live with facts.

A symbolist stands in some danger here. The obvious peril is a confusion of the spiritual beauty behind the symbol with the arbitrary expression of that spiritual beauty through that particular symbol. There are blind alleys and lost roads in symbolism, and few of those who follow that loveliest trail into "the undiscovered Edens" of Beauty but sometimes lose themselves, and go after shadows, and idly name the stars, and inhabit planets with their own desires, putting their vain dreams upon these unheeding children of eternity.

Perhaps a truer wisdom is that which would see the symbols in the facts, and the facts translated from their material body to their spiritual significance. It is the constant reminder of the man who breaks stones to the man who measures the stars, that he concerns himself with remote unrealities; but the star-gazer is also apt to forget that without broken stones no road would be paven. And I cannot but think that Mr. Yeats is a star-gazer too reluctant to listen to the plaint of those who break stones or are spiritually dumb hewers of wood and drawers of water. He does not always sing of things of beauty and mystery as the things of beauty and mystery are best sung, so that the least may understand; but rather as those priests of Isis who, when bidden to chant the Sun-Hymn to the people, sang, beautifully, incomprehensible algebraical formulae.

> "The Powers whose name and shape no living creature knows
> Have pulled the Immortal Rose:
> And though the Seven Lights bowed in their dance and wept,
> The Polar Dragon slept,
> His heavy rings uncoiled from glimmering deep to deep:
> When will he wake from sleep?"

Or again:

> "We who still labour by the cromlech on the shore,
> The grey cairn on the hill, when day sinks drowned in dew,
> Being weary of the world's empires, bow down to you,
> Master of the still stars and of the flaming door."

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Or that strange poem of love with its fantastic dream-beauty, beginning:

> "Do you not hear me calling, white deer with no horns?
> I have been changed to a hound with one red ear."

To some there is no need to explain "the white deer with no horns," "the hound with one red ear," "the boar without bristles, out of the West": to some the symbols of the "Polar Dragon" and the "Immortal Rose" stand evident. But these must be few: and though in a sense all excelling poetry is mystical, in the wider and not less true sense it should be as water is, or as air is, or as flame is. For it too is an elemental, being in the spiritual life what wind is in the natural life.

When the reader, unfamiliar with "the signature of symbol," shall read these and kindred lines, will he not feel that this young priest of the Sun should translate to a more human key his too transcendental vision? What, he will ask, is the Immortal Rose, and what the Polar Dragon? Who is the guardian of the flaming door, and of what is it the portal? If a Gael, he may have heard of the white fawn that is Love, of the white hound that is Death. Is it this symbol that lives anew in the hound with one red ear, in the white deer without horns?

For all who may not be able readily to follow his honey of old wisdom, Mr. Yeats has added notes. It would be more exact to say that one-half of the book comprises the prose equivalent of the verse. If all notes afforded reading such as one may read here! Mr. Yeats turns round mentally and shows us the other side, where the roots grow and the fibres fill with sap, and how they grow to that blossom we have already seen, and what the sap is. In their kind, these notes have something of the charm of the poems to which they stand interpreter. Yet they should be superfluous. It is not their presence that one objects to, but their need. Poetry is an art which should be as rigorously aloof from the explicative as the art of painting is, or as sculpture is, or music. When Mr. Yeats gives us work on a larger scale, with a greater sweep, he will, let us hope, remember that every purely esoteric symbol is a vague image—and vagueness is the inevitable defect against which the symbolist has to contend.

But, when all is said that criticism is called upon to say, what a lovely gift of music and spiritual intensity and beauty is here.

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I have an incalculable pleasure in this subtle magic which creates so much loveliness out of a few words. If, at times, the motive has triumphed at the expense of the manner, it is rare that music and meaning do not go in delectable harmony. What lover of perfect verse but could take keen pleasure in a little poem so rose-like in its intricate symmetry as this:

"Had I the heavens' embroidered cloths,
Enwrought with golden and silver light;
The blue and the dim and the dark cloths
Of night and light and the half light;
I would spread the cloths under your feet;
But I, being poor, have only my dreams;
I have spread my dreams under your feet,
Tread softly because you tread on my dreams."

The nobler use of symbolism—which is but an analogue of the soul's speech—gives a strange spiritual intensity to these poems. All do indeed live with an intense life, though of conventional actuality they have little or nothing. Some seem to be written in accordance with "the magical tradition"; some conform to the utterance of Celtic mythology; some have no other shape or aspect than their own, as they came, like moths out of twilight, from the twilight of the poetic imagination. All come

"from a more dream-heavy land,
A more dream-heavy hour than this;"

and it is the infinite, because never wholly to be overtaken, charm of these breaths—breaths of the reeds of the spirit shaken in that wind which comes out of the past of time and the past of the heart—that, in them, we too, as the poet himself, may hear "white Beauty sighing." In no descriptive sense, but in a deeper sense, this book is one of a small company that are pioneers in that intimate return to nature from which we may and do expect so profound and beautiful a revelation. For a few come with new vision, to reveal what is so old, what is younger than all else, and new always.

It is a return, that in some sense, if only for solace and strength, all of us who feel life acutely must make.

I remember an old Highland fisherman saying to me once, when asked if he thought God could ever tire: "I think He has the sea in His right hand, and all the moors and hills of the world in His left, and when He is tired o' lookin' at the wicked-

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ness o' man, He washes it out in the sea, an' then watches His mercy like a soft shadow creepin' across the moors an' hills." I do not profess to give the exact words, for the old islander spoke in Gaelic; but this is the drift of them. "It's all *obair an doill,* the work of the blind," he added—meaning the vanity of the human heart. And, recalling this, I think that true poets and all the silent kindred of poets must often seek remote places, the loneliness of hill or moor, must often listen to the desert wind, to the whispering reeds, as a refuge from the dull trouble of the habitual life; that so they, too, may take comfort from the stealing forth of soft and kindly shadow—symbol of natural rest and spiritual re-birth.

A larger note is struck in "The Shadowy Waters." In this dramatic poem—in this poetic vision, told in verse cast in a dramatic form—Mr. Yeats has forsaken the acute moment become lyrical for the lyrical thought become continuous. It is not an epical poem, because it is a symbolical reflection of what is in the poet's mind, rather than the imaginative upbuilding of what his imagination has definitely shaped. It is not, strictly, a poetical drama, for action and speech are subservient to the writer's entranced vision of the symbolism of the action and of the speech. It is one of those new and strange utterances, so perplexing to many minds, wherewith conventional methods are used for novel, perturbing, sometimes bewildering, at times bewildered, thought: one of those "dramas of the mind, best seen against imagined tapestries," which reveal so much more to us than do the common or familiar "tapestries," the dramas of the obvious, of merely spectacular life.

I wonder how many who read this short drama of a score pages understood straightway what they read? The personages are mythical: even the famous name of Dectora (or Dectera) does not indicate that lovely queen with whose beauty old legend is fragrant: indeed, the poet has but taken the anglicized name of Cuchulain's mother and given it to an imaginary crowned woman out of Lochlann. This Dechtire is not a king's bride seeking a new kingdom, but the symbol or image of the Desire in the poet's heart, in the hearts of poets. And Forgael, what is he? A Gaelic prince, weary of songs and women and war, a lost king with a forgotten kingdom? Yes, but more: is he not the inappeasable Ideal that dwells in us, that calls, that allures the Desire that is

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in our heart; but, having won it, and led it from shadowy lands across shadowy waters till the gray wave is all that is left of the visible world, will not lift it up nor wed it unless it will relinquish its own flame—unless, in a word, the beautiful mortal shall put on immortality, shall love the warmth and the dream for a perhaps too stellar radiance, a certitude too divinely impassive?

Many an one, besides Dectora, who has relinquished all for the divine dream of imperishable and perfect love, has, at the last, cried out in the extreme bitterness of a new dismay:

> "Where are these bought? Where are the holy woods
> That can change love to imperishable fire?
> O! I would break this net the gods have woven
> Of voices and of dreams."

It is the cry, not of Dectora only, but of all women, nay, of all who through dream and passion love to the extreme:

> "Beloved,
> We will. . . . . escape
> The nets the gods have woven and our own hearts,
> And will find out valleys and woods and meadows
> To wander in;"

and it is the answer of that Inexorable Ideal which echoes in:

> "All that know love among the winds of the world
> Have found it like the froth upon the ale."

Not the plea of one shaken heart but of all the troubled hearts of mortal love is uttered, when Dectora suddenly cries passionately to Forgael:

> "Love was not made for darkness and the winds
> That blow when heaven and earth are withering,
> For love is kind and happy. O come with me!
> Look on this body and this heavy hair;
> A stream has told me they are beautiful.
> The gods hate happiness and weave their nets
> Out of their hatred;"

and when her mysterious lover abruptly bids her farewell, and tells her to seek Aibric, who loves her also, and with him go back to her lost and regretted land, it is not Forgael only that speaks, but again that Inexorable Ideal which will not temporize, which

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offers but wind and shadow and yet demands all that clinging hands and turning feet are loath to leave. And the tragic pity of that final word is, that it always comes too late for the man or woman who would turn again to the beloved and mortal:

> "I should wander
> Amid the darkness, now that all my stars
> Have fallen and my sun and moon gone out."

Shall we have this visionary love, with its terrible renunciations, or the light in loved eyes, the touch of hands, the whisper in the shadow? Dectora is a woman and knows but one love:

> "The love I know is hidden in these hands
> That I would mix with yours, and in this hair
> That I would shed like twilight over you."

Forgael is not a man but a spirit, for to him love is idle as the unfolding of a rainbow, but the color of a moment on the gray eternities:

> "The love of all under the light of the sun
> Is but brief longing, and deceiving hope,
> And bodily tenderness;"

and he adds (alas, the cold radiance of precious stones after the glow and flame of that little infinite trouble in the dark, the human heart!)

> "but love is made
> Imperishable fire under the boughs
> Of chrysoberyl and beryl and chrysolite
> And chrysoprase and ruby and sardonyx."

It is lovely rhetoric, but the heart's silence is more eloquent. "The Shadowy Waters" has a continual loveliness. Many lines dwell with one:

> "already
> The cloudy waters and the glimmering winds
> Have covered them."

Many passages sink into the mind as dews sink through the dusk:

> "The pale hound and the deer wander forever
> Among the winds and waters; and when they pass
> The mountain of the gods, the unappeasable gods
> Cover their faces with their hair and weep.
> They lure us to the streams where the world ends."

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Or:

"Crumbled away
The grass and the blue shadow on the stream
And the pale blossom."

"With a sound
I had woven of the sleep that is in pools,
Among great trees, and in the wings of owls."

Or:

". . . . . he who longs
For happier love but finds unhappiness,
And falls among the dreams the drowsy gods
Breathe on the burnished mirror of the world,
And then smooth out with ivory hands and sigh."

In his symbolical and mythological allusions, Mr. Yeats is again, as in "The Wind Among the Reeds," too esoteric often, sometimes too vague. One may speak the tongue of angels, but the accent must be human and familiar. A still more serious literary fault is the overuse of certain words: "winds and waters," "the pale hound," "heart's desire," and others, come too facilely from Mr. Yeats's generally so heedful art. Mannerism threatens disillusion when it becomes a common use, as when in close conjunction Mr. Yeats thrice uses a favorite, but at best dubious, epithet *druid,* uses it as an adjective for "mystic" or kindred word: "a druid vapor," "druid moons," "with druid apple-wood." It has a contagion, for a day or two ago I saw in a paper an allusion to "the druid spell of Mr. Yeats's poetry, its druid lights and shadows." I can understand a druid spell, though "druidic" is the fit word: but not druid lights and shadows.

"The Shadowy Waters" does not yield all its beauty at once. It is like that flower which Moan, a dark queen of the Hidden People, showed to Cuchulain in his madness: a flower of a pale hue and faint fragrance, that every day disclosed a richer hue, the color of a moment, or loosed, passing as a moth's wing, a new fragrance. It is the story of a dream, of a symbolic vision; but its enchantment lies in its subtly beautiful interpretation of a dream that is not of one mind but of many minds, of a vision that has not sustained one heart's desire only but the desire of many hearts in the troubled congregation of men and women.

The miscarriage which awaits the pioneer lurks in the probable failure between theory and fulfilment. Mr. Yeats has written

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carefully concerning dramatic ideals and the Celtic Theatre: but he has not yet seemed explicit to the reader eager to sympathize with both, nor has his published dramatic work fulfilled the desired end. Like so many of us, he mistakes sometimes the gossamer drama woven inwardly of the wind of the spirit and the light of the imagination, for the tangible drama woven to represent adequately the things of the imagination and the spirit. He thinks in light and dreams in shadow, but forgets that the translation of these into thought made visible must be as explicit as the translation of the wind's cry on the wave or murmur among the leaves, when through a formal and exact notation the musician would convey the mystery of the one and the troubled deeps of the other. Hitherto, he has stood overmuch by the inner sureties of the loom of thought: now, if he has to achieve what he has in aim, he must study the outward weaving of the web, the external aspect of the woven dream, with not less careful heed, with careful, careful art. In "The Land of Heart's Desire," in "Countess Cathleen," in "The Shadowy Waters," he does not convince dramatically. In these he persuades. It may be the finer way for the imagination: to persuade by the thing seen, rather than by the thing shown. But it is not the way of Drama, whose end is to be achieved by methods of illusion other than those of cadence and color. Mr. Yeats has not yet perceived that the particular method of illusion demanded by the Drama necessitates both an acceptance of certain conventions, and an avoidance of certain scenic imaginative realities inept as visible scenic actualities. "The Countess Cathleen" ranks first in what he has done in dramatic form, a play of great beauty, and whose repeated public performance delighted those who saw it. Yet it is impossible not to feel that something is wanting. This want is not of the obvious: we do not mean that it should be longer or shorter, swifter or slower, more humorous or more tragic, more wrought in poetry or sustained in prose. We take it as it is, and judge it for its shape and color, its own life, its spirit, its aim. It is, then, that below the charm of the verse we are aware of a lack. It is not that the thought is slight, though it is not strenuous or deep; or that the phrase is inadequate in suggestion; or that unrealities wave conflicting plumes among the ordered march of the words, though insurgent unrealities there are at moments, and rebel insincerities, unconscious traitors no doubt. But something is lack-

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ing, as in a still, breathless wood we miss the lifting airs that are the wind. And the wind whose airs Mr. Yeats does not yet command is the wind of the dramatic spirit. He does not think, shape, reveal dramatically. This is as obvious in his dramatic poems as in his tales. A dramatic conception of an event or a linked sequence of events is not enough: there must be a dramatic vision of the coherent and actual congregation of the "symbols" in which that conception is to be made unique and visible: there must, further, be that faculty of mental economy which can use the few words only, the slight detail, which can relinquish the literary idea for the visible actuality: and there must be the power to distinguish between the method of illusion that lies with reverie and inward vision, and the method of illusion that lies with concentrated thought and its immediate expression, with their demonstration in the visible.

The flaw in Mr. Yeats's dramatic work seems to me to be just this, that he is not primarily a dramatist. That he can write a beautiful dramatic poem is evident in "The Shadowy Waters": that he can write a beautiful "poetic drama" is evident in "The Countess Cathleen": that he can transmute into dramatic form the reflective spirit of reverie is evident in "The Land of Heart's Desire." But these are not dramas in the sense that they are the outward and actual representation, through men and women and the actual world, of the dreams and thoughts and ideas of which men and women and the actual world are the shadows and vivid phantoms. It is not the visible, the dramatic interpretation that Mr. Yeats gives us, but the woven shape and color of his dreams. "The Shadowy Waters" is a vision related as a dramatic poem: it could have been related in dramatic prose, or in the continuous linked prose of reverie, or in the deftly entangled prose of dialogue, or in the mirroring lucidities of the prose of narrative. We are glad of it as it stands: we may consider that it could not appeal to us more finely in another form. But it has not inevitableness. Even in the one drama more nearly suited for external representation which Mr. Yeats has written, there are spiritual truths, symbols, images which are as foreign voices crying for interpretation: images, symbols, and truths which, in their reality to him, he has forgotten are, to others, unrelated voices, wandering shapes, the idle signature of falling stars in the abyss.

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And yet since I have re-read "The Shadowy Waters" I believe that Mr. Yeats may give us a wonderful compromise that shall be almost a new art, a new art perhaps. He may find the way where the dreaming spirit and the shaping mind are not two companions but one traveller: he may stoop by a well we have not seen, and hear the forgotten voice of Connla, and out of old wisdom fashion newly a new thing. In words already quoted,

> "dramas of the mind there are,
> Best seen against imagined tapestries,"

and it may well be that, in a day of outworn conventions, many of us may turn gladly from the scenic illusions of the stage-carpenter, and the palpable illusions of the playwright, to the ever-new illusions of the dreaming mind, woven in a new intense dramatic reality against "imagined tapestries," against revealing shadows and tragic glooms and radiances as real, and as near, as the crude symbols of painted boards and stereotyped phrase in which we still have a receding pleasure.

FIONA MACLEOD.

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EXPERT EVIDENCE.

BY HON. JOHN WOODWARD, JUSTICE OF THE APPELLATE DIVISION OF THE SUPREME COURT OF NEW YORK.

GRAVE criticism of expert evidence in courts of law has not sprung from recently celebrated criminal cases. It is almost as old as the use of this species of evidence. Experts in language were called before Brian, C. J., in 1493, to advise the court what the Latin was for "fine," the obligation in issue requiring payment *auri puri;* but they could not tell. Experts in mercantile usage advised Holt, C. J., in the Court of King's Bench, in 1703, in Buller *vs.* Crips, that a note was to be treated in a suit by the indorsee as an inland bill of exchange. But though the Court has spoken with "two of the most famous merchants in the City of London," their views did not seem conclusive; for "the Court at last took the vacation to consider of it." A policy broker testified as an insurance expert before Lord Mansfield in 1760, in the case of Carter *vs.* Boehm, on a motion for a new trial, the plaintiff, Roger Carter, Governor of Fort Marlborough, in Sumatra, having recovered on a policy insuring the fort against capture. Count D' Estaing effected the capture of it, and "a verdict was found for the plaintiff by a special jury of merchants." Cawthorne, the broker, swore that in his opinion certain letters written by Governor Carter should have been shown to the defendant, "and, if they had, the policy would not have been underwritten." Lord Mansfield's decision may be quoted for its general applicability:

"Great stress was laid upon the opinion of the broker. But we all think the jury ought not to pay the least regard to it. It is mere opinion, which is not evidence. It is opinion after an event. It is an opinion which, if rightly formed, could only be drawn from the same premises from which the court and jury were to determine the cause: and therefore it is improper and irrelevant in the mouth of a witness. There ought not to be a new trial."

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Medical experts were called in court earlier than any others, however, of whom we have record. In 1353, the "*Liber Assisarum, anno vicesimo octavo,*" records how the advice was invoked of "*medicos chirurgicos de melioribus Londini ad informandum Dominum Regem et curiam de his quae eis ex parte Domini Regis injungerent.*" The best surgeons in London were charged to inform the court whether certain wounds constituted mayhem, the prisoner at the bar being subject to attainder if found guilty of that offence. It was not for the complainant's benefit, or for the prisoner's defence, but to inform the King—the State—that the experts were called.

Of an expert who testified before him in the Tracy Peerage case, Lord Campbell said:

"Hardly any weight is to be given to the evidence of what are called scientific witnesses: they come with a bias on their minds to support the cause in which they are embarked."

Experts in handwriting have given rise latterly to the abuses most often complained of. As I had occasion to observe from the bench, in the matter of the Estate of R. E. Hopkins, "so notorious is it (the abuse of expert evidence) becoming that, if it is not checked, it seems to me a reaction must inevitably come that will abolish such testimony altogether."

Specialization is the order of the day, and the expert is a professed specialist. In a criminal case, pending for eight years past, the identity of a famous violin was in issue, and expert violin-makers were called to bear witness to it. Experts in electricity, in chemistry, and in any one of the arts or sciences may figure in the legal proceedings of to-day. An examination of the law and the precedents relating to medical and handwriting experts, whose evidence so often concerns the wealth, the sanity and the very life itself of women and men, may help us to arrive at some practical remedy for the abuses which are usually believed to have their origin in these two kinds of testimony, but which probably inhere in the very nature of expert testimony in general.

What is an expert? Stephen thus defines his functions:

"When there is a question as to any point of science or art, the opinions upon that point of persons especially skilled in any such matter, are deemed to be relevant facts. The word science or art includes all subjects on which a special study or experience is necessary to the formation of an opinion."

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St. Clair McKelway, in an admirable paper on this subject, has given this definition:

"An expert must be regarded as any specialist giving evidence in the form of opinion, no matter what his real or reputed standing in his specialty or in the community."

While this is an excellent working definition, framed so as to invite discussion of the abuses incident to the system, I would substitute the following instead: An expert is a specialist, the value of whose evidence, given in the form of opinion, is proportioned to his character, to his reputation for honesty in the community, and to his standing in his specialty or profession. It is not sufficient that he be thought wise, he must also be accounted honest.

Jones, in one of the best recent text books,[1] says:

"If the non-professional witness must, on grounds of necessity, be sometimes allowed to state the inferences which irresistibly rise in his mind from those minute facts which he cannot detail, there are still stronger reasons for receiving, under proper limitations, the opinions of those skilled in matters of trade and science."

We have seen that expert evidence is as old almost as Anglo-Saxon, or rather Anglo-Norman, jurisprudence. Its disrepute has not grown less with years. Presiding Justice Goodrich of Brooklyn spoke not long since of "paid experts . . swearing for or against the sanity of a prisoner, according to the amount of their fee and the person who calls them." Justice Rumsey of the Appellate Division said of an expert, "the sole difference between him and an advocate being that he makes his argument under oath, and that he endeavors to add the weight of the oath to the opinion of the advocate." "Expert witnesses," said Justice Adams of Canandaigua, "are far more anxious to destroy each other . . than to elucidate the particular question in issue." Let the courts continue their denunciations, said he, until "experts mend their ways." Professor R. A. Witthaus, who has testified as a chemist in several capital cases, in commenting on "the just disrepute of expert testimony," has declared one of the causes to be "the employment of blatant, ignorant persons, or even of persons who do not hesitate at plain perjury." Jones declares that expert evidence is admitted when the subject matter of in-

[1] "The Law of Evidence in Civil Cases," by Burr W. Jones.

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quiry "so far partakes of the nature of a science as to require a course of previous habit or study in order to attain a knowledge of it." But, says he, "it is not desirable in any case where the jury can get along without it," it "is of the very lowest order and the most unsatisfactory character," it is "justly exposed to a reasonable degree of suspicion" and "should be received with great caution by the jury."

In Ferguson *vs.* Hubbell, in the New York Court of Appeals, Judge Earl said: "It is generally safer to take the judgments of unskilled jurors than the opinions of hired experts." W. A. Purrington, Esq., a well known member of the New York Bar, declares[1] that "an expert is as honest as any other witness," but he admits that "perjury is too frequent with all classes" and that an expert witness is not punishable for perjury, "even in cases of wilful falsehood."

"If the testimony of the expert," said the Court in United States *vs.* McGhee, "is opposed to the jury's convictions of truth, it is their duty to disregard it."

It may not be possible for the jurors to free their minds from the tendency suggested by the testimony of experts, even should they conclude to disregard it. This, and the impossibility of securing at present the conviction of an expert for perjury, are two of the salient phases of the question. Says Jones:

> "The notorious fact that experts of equal credibility and skill are found, in almost every important cause, testifying to directly opposite conclusions, illustrates both the fallibility of such testimony and the fact that a conviction for perjury based upon such evidence would be very difficult. It is a matter of common observation in the courts that witnesses of the highest character and of undoubted veracity may be easily led, as experts, to espouse and defend a theory with all the zeal of the advocate."

In addition to his immunity from the penalties of perjury, the expert witness is immune also from the requirements of an exact standard of fitness. His fees need regulation, and the nature of the questions which may be put to him needs clearer limitation. He "may give an opinion in court on facts to which other witnesses have testified," yet he "should not be allowed to draw conclusions of fact from the testimony of other witnesses in the

[1] The Nature of Expert Testimony and some Defects in the Methods by which it is adduced in evidence.

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case." He is a *judex facti*—though not a judge of the law, like the Court, nor of the facts like the jury.

The medical expert and the handwriting expert are subject to the same rules of law as other expert witnesses. But they may seem in the public mind to stand each in a class of his own. Specific comments upon the famous murder trials in New York City in which these two classes of experts have figured conspicuously in recent years, would be out of place in this paper. We all know medical experts who have given contradictory opinions under different circumstances in regard to the same fact. A medical man of the highest rank, an author and professor, who had in twenty years' practice seen three cases of opium and one of morphine poisoning, swore in the Buchanan case that "opium or morphine poisoning could not be diagnosed from symptoms alone." Opposing medical experts, who swore that they had seen seventy such cases in that time, were just as positive that such poisoning could be diagnosed from symptoms alone. Nobody thought then or since that the distinguished professor and author was anything less than a man of honor and intelligence; but some physicians have since expressed the opinion that Dr. Buchanan was not legally convicted of the crime for which he paid the penalty at Sing Sing.

In the case of Alsop *vs.* Bowtrell in ejectment heard in the King's Bench in 1619, at the Michaelmas term, the Court instructed the jury, on the strength of the expert evidence of "two doctors of physic, Sir Wm. Baddy and Dr. Mundford," that "the said Elizabeth (Andrews), who was born forty weeks and more after the death of the said Edmund Andrews, might well be the daughter of the said Edmund."

The opinion of these doctors seemed conclusive to the Court. Doubtless, justice was done. But there was probably a different result in the trial of Rose Cullender and Amy Duny, two poor widows, before Sir Matthew Hale, Lord Chief Baron of His Majesty's Court of Exchequer, in 1665, for witchcraft. The author of "Religio Medici," Sir Thomas Browne, one of the most eminent men of the times, testified as a medical expert:

"There was also Dr. Brown of Norwich, a person of great knowledge; who, after this evidence given, and upon view of the three persons in court, was desired to give his opinion, what he did conceive of them; and he was clearly of opinion that the persons were bewitched; and said

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that in Denmark there had been lately a great discovery of witches who used the very same way of afflicting persons, by conveying pins into them. And his opinion was that the Devil in such cases did work upon the bodies of men and women.

"The judge and all the court were fully satisfied with the verdict and thereupon gave judgment against the witches that they should be hanged. . . . And they were executed on Monday the 17th of March following, but they confessed nothing."

Conviction also followed the medical testimony at the trial of the Earl of Pembroke for murder, in 1678, in which Mr. Raven was examined as an expert for the defence and said (not under oath):

"I viewed the body, my lord, before and when it was opened . . and could find no blackness or blueness . . . .; upon which the body was opened and there issued thence clotted blood; then I looked upon the caul which was withered and consumed, and the heart was as loose as a rag, and his lungs stuck to each side of his ribs; and as to the matter of the blood, that was not an extraordinary thing, for it is known to physicians that in all natural deaths there must be extravasated blood in the lower belly."

In 1679, at the trial of Green, Berry and Hill at the King's Bench, for the murder of Sir E. Godfrey, "the chirurgeons that viewed and opened the body, Mr. "Skillard and Mr. Cambridge" were called for the prosecution and Skillard testified: "All strangled people never swell, because there is a sudden deprivation of all the Spirits and a hindering of the circulation of the blood." The prisoner Berry declared himself "as innocent as is the child that is new born," and hoped that his death "might be the last innocent blood that might be shed in the land." "And when the cart was drawing from under him, he lifted up his hands towards heaven and said, 'As I am innocent, so receive my soul, O Lord Jesus.'"

The medical expert of to-day would laugh at the opinion of the medical expert of 1678 and 1679. But men were executed then, as some are now, on the strength of such testimony. A hundred years from now, medical men will no doubt laugh at the medical opinion of 1902.

All the ambiguities, however, are not necessarily medical. Here is a form of hypothetical question framed by a prominent Western prosecuting officer, who introduced it by the statement that some questions do confuse even expert witnesses:

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"Assuming the testimony of the previous witnesses tending to show the circumstances, if any, leading up to the act, and tending to show the acts of defendant, if any, in relation to the homicide, to be true, and tending to show that the conduct of defendant, if in immediate connection with the act, was that or was not that, of a sane man, as the case may have been,—state whether in your opinion, at the time he committed the act, defendant was sane or insane?"

Laymen object to the methods which employ circumlocutions like this. In describing a capital case the same legal authority said:

"The theory of the defence was self-defence, and that the defendant did not do the cutting, and that he used no knife against deceased; that he was attacked by deceased with a chisel, and it was insisted upon by him that the wounds were inflicted during the affray by it—in the scuffle."

The shrewdest bandit of modern times, Musolino, was recently condemned to penal servitude for life in Calabria. The London *Lancet* observes of "the hideous welter of expert evidence":

"That with such a career he should have been defended, by criminologists of the Lombroso school, as little better than an anthropoid ape or pithecoid man is barely credible, but such is the fact."

A distinguished surgeon of Northern New York, testifying in a criminal case as an expert a few weeks ago, was asked on cross-examination by the counsel for the prisoner:

"Isn't it fair to assume, if I had money to pay the physicians for their time, that I could step out here in the city and secure half a dozen competent physicians, who, in answer to the hypothetical question put by the District Attorney, would give me exactly the opposite answer?"

The distinguished surgeon's very candid reply was: "I think it is."

A physician called upon to give an opinion for the plaintiff, in a case of insanity where a large fortune was involved, several times privately expressed the opinion that the subject was "mad as a hare." On the witness stand, he swore positively that he had not seen any evidence of mental unsoundness, though he thought the defendant "somewhat erratic and melancholy." The defendant won his case, and a few weeks later the physician presented at the bank a check for five thousand dollars signed by the defendant. I have personal knowledge of these facts.

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Is not the remedy for these flagrant, but, after all, infrequent, instances of professional dishonor in the hands of the medical profession itself?

Handwriting experts occupy a different position. "The courts," says Jones,[1] "have often spoken of evidence derived from the comparison of handwriting as weak and unsatisfactory." Professor James Bradley Thayer, Weld Professor of Law in Harvard University, in his "Preliminary Treatise on Evidence at the Common Law," one of the most recent of the books, says: "there are other questions not requiring skill or training, but only special opportunities of observation, like handwriting and the value of property," on which opinion-evidence may be received. But it is now notorious that professional handwriting experts do offer themselves to the world as trained and skilful, and are habitually called to give opinion-evidence, by whoever chooses to retain them. "Knowledge of Handwriting," says Lawson,[2] acquired for the purpose of testifying, will qualify only where it is clear that there was no motive either in the writer or the witness to manufacture testimony."

In 1898, the United States Attorney for the Northern District of New York, was asked to prosecute a woman of social standing in one of the large cities of that district, for circulating scandalous and defamatory postal cards through the United States mails. Over 2,000 postal cards had been received by patients of a leading physician of that city scandalizing the doctor. All were apparently in the same handwriting. The accused woman was indicted by the federal grand jury and the case prepared for trial. Few specimens of her handwriting were obtainable. These specimens, together with a number of the postal cards, were submitted to one of the leading experts in handwriting in the United States. After weeks of investigation, study and research, he pronounced it as his opinion that the specimens and the postal cards were written by one and the same person. In the subsequent preparation of the case for trial, specimens of handwriting of another person, supposed to have had no connection with the controversy, but bearing some similitude to the handwriting on the postal cards, came into the possession of the United States Attorney. To test the value of the opinion so forcibly expressed by the expert, that

[1] "The Law of Evidence in Civil Cases," p. 570.
[2] "Expert Evidence," Rule 54, affirmed in many decisions.

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none but the accused could have written the postal cards, these new specimens, known to have been written by another person entirely and at the dictation of the United States Commissioner, in his presence, were submitted to the same expert, together with a dozen of the postal cards, with the statement that additional specimens of handwriting in the case had been obtained, and that his opinion was desired as to whether the new specimens and the postal cards were written by the same person. The United States Attorney was in due course furnished with minute details of the examination of the additional specimens and postal cards, upon which the expert built an argument that irresistibly led to the conclusion that there could be no possible doubt that the new specimens were also written by the same person who wrote the postal cards.

If this distinguished expert was correct in his first opinion, the accused was guilty; if he was correct in his second opinion, the wrong person had been indicted. As the prosecution depended solely upon expert testimony, and had received these irreconcilable opinions from the same expert, whose standing was unimpeachable, the government concluded it to be unfair and unwise to press a trial, and the indictment was dismissed. The expert in question has since appeared as an important witness in a celebrated murder case.

I am well acquainted with the prosecuting attorney who furnishes me these facts. I know him to be a man of ability and integrity. I cordially approve of his disposition of the case. His manliness is commended to the consideration of those overzealous prosecutors whose ambition for a great record number of convictions seems to stifle that high sense of justice and responsibility without which the administration of the criminal law is worse than a mockery. It is moral crime.

Remedies for the evils of expertism have occupied many thoughtful minds of late years. Legislation has been drafted, but not enacted, in New York, Pennsylvania and Illinois. Judge Werner of the Supreme Court of New York has expressed the opinion that "the good name of the medical profession requires some reform;" Judge McAdam, that the disagreement of experts often results in "miscarriage of justice." Judge Robert C. Titus of Buffalo has said that the present system is absolutely immoral in its tendency. Judge Wm. N. Cohen of New York has stated

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that as a rule "such testimony is quite valueless." These jurists had medical witnesses especially in mind. The need of reform is quite as strenuous among professional handwriting experts. Yet most of the remedies so far suggested have been applicable to medical witnesses especially.

Of the various remedies for the faults in the system of expert testimony, I cannot believe that any is attainable by legislation. Indeed, I do not believe that the fault is in the system, so much as in that relaxation of the professional and public conscience which has permitted abuses to continue uncorrected. Much is to be said in favor of the selection by an examining board or commission, composed of the acknowledged leaders of each scientific guild or profession, of those members of that guild or profession who may be properly called as experts. The selection then from these lists furnished to the court would be comparatively easy, and it should follow that only able and honest specialists would be called to the witness stand. The naming and summoning of these expert witnesses, each already designated for the honor by the highest opinion of his own profession, might appropriately be delegated to the Appellate Division of the Supreme Court, which is a co-ordinate branch of the government, independent of all considerations except those of justice, and removed even from the bias of the executive or the power of the legislative branches.

The standing of experts in the public eye would at once be improved when it became known that only the best could be chosen, and that, of these, few would be likely to decline to serve save for the best of reasons and at the discretion of the court.

If, in addition, it became evident that there was little possibility of gain to the expert witness in the event of the case being decided in favor of the side upon which he was called to testify, another and very important step would be achieved. For, after all, the question of the compensation of such experts is of great importance. It seems to me that, except where a professional expert is employed at a salary by a corporation, the rate of compensation for expert witnesses should be a stated sum *per diem* fixed by the Appellate Division, or, if preferred, in some equally dignified method, after consultation with the original boards of selection in each profession or guild. Much temptation would be taken away, and the dignity of the expert himself would be elevated not a little by such an arrangement. With the jury his

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opinion would be enhanced in value by the fact that he could in no way profit by his testimony. While it might be true that a great authority, whose ordinary charges would be as much higher than those of the average practitioner as his reputation was greater, might not be satisfied with the amount of compensation thus fixed as an absolute expert fee, and might therefore decline to serve at the summons of the court, public opinion would clearly condemn him in any such course. Indeed, the subpœna of the court should compel instant compliance. For ages, the law has used its best talents for the defence and maintenance of the rights of the poor; it is quite time that the able and talented members of other professions should, it seems to me, display something of the same chivalry, knowing that they would in this way be making a substantial contribution at least to the honor of their own profession. If any such expert thought his services were too frequently demanded, he could readily appeal to the Appellate Division for relief.

It is indeed time that the law should determine that no fee be dependent upon an opinion, and that no man or corporation have power to tempt others to false swearing by the use of money. The suborner should meet with the same condemnation as the perjurer, and the legal penalty for his offence should be greater. After all, a "persuader" is simply a bribe by another name.

The legal, absolute and fair standard of compensation for experts having thus been established, I believe it would be in the interests of justice that the State should, in criminal cases, pay the experts called on both sides.

The suggestion has been made that State medical experts, for the judicial districts, might be appointed by the judge or by the Governor. To me such a plan seems fraught with danger. The scramble for such an office would not be more dignified than that for any other. The peril of political favoritism would be always present. With a medical expert in every district, drawing a salary from the State, it would not be long before there would come a demand for a chemical expert, and so on through the various specialties of art and science. Nor do I agree with those who maintain that the question at issue should be submitted in writing to experts, whose opinions, given in secret session, should be returned to the court in writing. Such procedure might lead to great abuse. All written opinions have an equal significance.

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How can the jury judge of the credibility of a witness without seeing him? His voice, his attitude, his appearance, his manner, all aid in the final determination of the value of his opinion; and these are not apparent unless he is examined and cross-examined in open court, like any other witness. Nor can the judge himself ever be made the final authority on the value of expert testimony. The expert, as a rule, is as ignorant of other specialties than his own as the average layman is. Nor would the judge ordinarily know more of the particular specialty under consideration than would any member of the jury. To make the judge, therefore, the arbiter on opinions which have all the weight of a fact, would be to establish a precedent whose logical outcome would overthrow our system of jurisprudence.

When, however, the honest opinion of one expert is met by the unbiased counter-statement of another expert, it is then that the judge may appropriately act. He should invoke a third authority, and this specialist's testimony might bring about such a re-discussion of the subject as to elicit the truth or a fair compromise. To the judge, also, any expert witness should unhesitatingly appeal when the witness feels that counsel has prepared an exaggerated affidavit, or put a different construction upon his testimony than the expert intended.

It has been suggested that the judge, who is himself a sworn expert in the law, might limit the length of the examination and cross-examination of an expert witness. It has also been suggested that the judge should instruct the jury as to the value of the expert witness's testimony. It seems to me that this tends to threaten the autonomy of our jurisprudence and would violate a time-honored maxim of the law. In all cases where trial by jury is had, the judge should not pass on questions of fact; the jury alone can decide as to the credibility of a witness. Even when he is an expert witness, the opinion of the twelve jurors as to the value of his testimony may not be subordinated to the judgment of any other person.

It is the retained expert of a corporation, and the chronic experts of the plaintiff in negligence cases, who have excited the greatest hostility and merited the severest condemnation. Nevertheless, the employment of a retained expert by a corporation is perfectly proper. A railroad company, for example, that may have a thousand accident suits brought against it in a year, cannot

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be expected to hire a different expert to examine into the merits of each case. There should, however, be a special obligation that the retained expert should be above the suspicion of bias. If chosen for the company by the court from a number of candidates in each profession—in whose selection the corporation itself might have a voice—there could be no objection to him. Should such an expert show obvious partiality, he could be expelled from his own profession, a punishment which, after all, it seems to me is the one which ought to have the greatest terrors for any expert witness. If any officer of such corporation should attempt to influence the finding of any such expert by promise, bribe or threat, the offender should be dealt with rigorously.

The president of the New York County Medical Society recommended some years ago that the Leeds practice, which has been found successful in England in a community where there are many accident cases, might properly be introduced in our practice. That would involve, in all equity cases or suits tried before the Court without a jury, the appearance of experts on the bench to advise the judge, just as the Admiralty judges in England had retired naval officers to counsel with them. In jury trials, according to the Leeds practice, a conference would be called of medical experts, who would go into such a conference with an understanding that they would agree upon the facts. The conferring physicians could then differ only in the conclusions which they would draw from those facts, and it was suggested that it would be feasible to compute an average opinion from the medical books, for example. This method of reforming the abuses of expert testimony does not appeal to me.

The quickened conscience of the people should refuse to recognize as respectable members of society those persons who, having special knowledge in an art, science or profession, sell their opinions, or what they are pleased to term their opinions, to the highest bidder, vainly attempting to bind the bargain by the sanctity of an oath. Where a doctor commits perjury, his fellow doctors are apt to know it. Prompt expulsion from his Medical Society would tend decidedly to discourage the imitation of his example. It has been my experience that enlightened public opinion is the greatest destroyer of frauds; and the greater publicity that can be given to an obvious evil, the sooner will its remedy be discovered.

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Opinion-evidence has a high and important position in enlightened jurisprudence. In questions of testamentary capacity, and in cases that turn upon the sanity of an individual, the expert is an absolute necessity. Millions of dollars may be dependent upon his testimony, the weight of which is, of course, increased in proportion to his impartiality and professional standing. If his compensation be limited by law to an absolute fee, he can have no incentive to be otherwise than rigidly honest. If he knows that the eyes of his professional fellowmen are upon him, he will have every incentive to testify to his own credit as well as theirs. Thus the sensational expert, seeing no longer in the witness stand an opportunity for the exploitation of his pocket or his reputation, will seek a more congenial employment.

JOHN WOODWARD.

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DENMARK AND THE TREATY.

BY GERTRUDE ATHERTON.

THE time has not yet come to tell the whole story of the negotiations between the United States and Denmark regarding the projected sale of the Virgin Islands belonging to the Danish crown. When it does come, the tale will prove as interesting and extraordinary as any chapter in diplomatic history, non-official as has been the greater part of the transaction. But although that must wait, this is the time, before the possible ratification by the Landsthing of the pending treaty, for certain facts to be put before the American people.

Even although every one of the charges of the adventurer, Christmas, against reputable American citizens was proved to be false, and although his broad assertion that Senator Lodge was the only American official who could not be bribed sank of its own weight, even in disgusted Denmark, still the fact remains that he has discredited us in Europe; neither Mr. Cannon's admission in the House of Representatives that Christmas had proved himself "a briber and worse than a thief," nor the liberal coupling with his name by the American press of still more opprobrious epithets, can alter the historic fact that the pending treaty is practically his treaty, and that the Administration and Senate, ignorant though they were of his true character and purpose, ratified it. It is all very well for the Prime Minister of Denmark and the American Secretary of State to repudiate Christmas, to have flung him overboard with contumely at a certain stage of the game; the cold truth is, the negotiations he set on foot have never been interrupted, that the present situation is on his wheels, awkward and blocked as they may be. When, at the request of the American Secretary of State, he brought Mr. Henry White, of the United States Embassy in Great Britain, to Den-

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mark to hold a private conference with the Foreign Minister, Mr. Ravn, he was allowed to pass in that secret representative of the United States Government, but had the door shut in his own face. Nevertheless, the subsequent steps taken by the United States were the direct result of that conference between Mr. Ravn (representing the Prime Minister, who could not speak English) and Mr. White; and Christmas, acting under the instructions of our Administration, brought about that conference. By the impartial historian his malodorous name must be used many times when the chapter on this treaty is written—if the treaty be allowed to stand, and the chapter *is* written.

Many of the strongest men in the United States government are dissatisfied with the treaty. The truth is, we do not want any more colonies. Our explosive imperialism has subsided. The Philippines have chastened us. Porto Rico is a charitable institution which has made us appear almost selfish in the eyes of the world. Cuba is an impending and tumultuous problem. Had Porto Rico redeemed herself by a fine harbor, even Protection, that armed genie of loud voice and anxious eye, who presides at the mouth of our harbor, who might indeed be called the conscientious step-father of his country, even he might have conceded to the fertile island an excuse for existence; and, after the close of the war with Spain, there would have been no reopening of the Danish Islands question. But a harbor in the West Indies we must have, and Denmark possesses two at the very gateway of those waters which divide the Americas and bristle with the forts of foreign Powers. Some day the great canal will be built, and we must be able to strike quickly when it is menaced. Some day the Monroe Doctrine will be ignored, and the blow will be dealt in the Caribbean Sea. Germany's ambitions are almost ingenuous. The menace of Russia is known to every student of the times: she has never retraced a step nor ceased to advance; her movements are as firm and deliberate as they are stealthy.

Therefore, for more than a quarter of a century it has been patent to American statesmen that the United States must have a stronghold in the Caribbean Sea. After the failure of the negotiations of 1867 for the Islands of St. Thomas and St. John, the matter lay fallow until January, 1897. From that date until April 1st, 1898, secret, non-official negotiations were carried on between the two governments, the commissioners in the United

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States being Mr. Niels Grön, a native of Denmark and an American citizen, and a graduate of Harvard, Mr. Henry H. Rogers, of the Standard Oil Company, and Mr. Charles R. Flint; Mr. Grön being the accredited representative of the sale committee in Denmark, which in turn, acted with the full authority of the Government. These three gentlemen had, after a long and delicate manipulation, and in concert with what is said to be the strongest and most representative committee ever formed in Denmark, almost brought the matter to a head, Senator Lodge having on April 1st, 1898, introduced a bill asking Congress to appropriate $5,000,000 for the purchase of the Islands, when the Spanish war-cloud burst, and Denmark was obliged to withdraw temporarily or be guilty of diplomatic discourtesy to Spain.

When the war finished, Mr. Grön and his former associates realized that it was useless to take up the question of the Danish Islands again, until the agitation over Porto Rico and the tariff had been soothed by some sort of compromise; and they let it lie in abeyance. Then came the disgraceful Christmas episode, which is too recent history to repeat.

Even the erratic imagination of this anxious adventurer could conceive no improvement on the treaty whose details he had managed to discover, although our conditions had so materially changed since its plan had seemed the most feasible to the two committees; as well as to the high authorities in both countries. The enormous increase in our yearly expenses was not taken into consideration, to say nothing of a whole series of problems which the Spanish War had brought to a country heretofore almost without a foreign policy. There being no hint from Denmark that anything short of the sale of the entire group would be considered by her, and Mr. Grön, Mr. Rogers, and Mr. Flint having thrown up the whole matter rather than be associated with the new commissioner, we ratified the Christmas treaty, and two things happened: there arose a loud and determined protest in Denmark, and the Report of Captain Christmas was made public.

This Report, intended for a very narrow circle, and amounting practically to a blackmail of the Danish Government, contained the accusations of bribery and corruption of American citizens with which we are familiar; and Mr. Grön, as one of the accused, and the prime mover in the whole matter, demanded an investigation by the United States Congress. During his testimony before

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The Select Committee on Purchase of the Danish Islands, he offered a treaty as substitute for the original treaty—having received by cable from Denmark an assurance that "strongest business men, bankers, land-owners, admirals, generals, president supreme court, first bishop, and members of parliament belonging to both parties" approved of it—which, if offered at another time, would probably have been considered at once. But a certain force, which must be nameless now, got to work then, and a cable was sent from Copenhagen severely discrediting Mr. Grön. The newspapers in the United States which resented his airing of the Administration's intimate dealings with Christmas, took the matter up; and, as the cable gave a great but unnamed official as authority, Mr. Grön was under a cloud during the investigation; and until the Prime Minister of Denmark and leading members of the Landsthing (Upper House) publicly exonerated him. His treaty still stands, however, and will be referred to presently.

During the negotiations before the Spanish War absolute secrecy had been maintained. Consequently, the temper of Denmark was unknown, and the royal family and certain high officials, although deeply opposed to parting with their Islands, had yielded because it seemed the best thing to do: St. Croix was in desperate straits, and the yearly deficit in the budget of the untaxed group was six hundred thousand kroners; which sum had to be made good by the home government.

When the proceedings were made public in April, 1898, there was a protest in Denmark which subsided as quickly as it rose; for it was believed that the Spanish War would put an end to the matter. Upon the re-agitation of the question in 1900, however, it was heard again and was—and is—loud, persistent, and determined. This protest is by no means wholly political, as is imagined in America; it is more than two-thirds sentimental. Denmark is a small country, but she is a very proud and valiant one; with a reputation for brains and practical energy quite out of proportion to her size, and a unique position among the sovereign states of Europe through her gifts to three of its thrones. She is the only state in Europe which, at one time or another, has never been in vassalage; and in 1864, to save Schleswig, which from remotest antiquity had been a part of her realm, unhesitatingly pitted her thousands against the tens of thousands of Austria and Prussia although she knew that not a soldier of hers

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might return from the battle-field. The loss of Schleswig is to-day as deep a grief as it was in 1864, and Prussia's failure to keep her promise to restore the northern Danish districts and her petty persecution of loyal Danes in the Duchy are a constant and bitter cause of resentment. Therefore the secret of her indignant protest against parting with the gems of her colonial possessions. Three million five hundred thousand kroners were immediately subscribed, to be invested for the relief of St. Croix, should the Government decline to ratify the treaty; and the upper classes, almost to a man, stood out against the sale. The Folkething (Lower House) represents the peasantry, who, knowing nothing of the principles upon which our Constitution is founded, were persuaded that if Denmark did not get her $5,000,000 as quickly as possible, we would appropriate the Islands without further parley; and to them Christmas's estimate of American officials seems too natural to be set aside by a mere investigation.

In the midst of the protest, came the publication of Christmas's Report, and its demand for the recognition of his claim of ten per cent. of the sale price, that he might settle with the Americans he had bribed; and the delay consequent upon the investigation by the American Congress. The Rigsdagen adjourned until October, and there the matter now stands.

Meanwhile, the substitute treaty is well known to meet with the approval of the party opposed to the sale of the Islands. Its conditions are as follows:

That Denmark shall cede to the United States either St. Thomas or St. John, both of which Islands have excellent harbors; that she shall guarantee never to sell the other Islands to any Power whatsoever, except the United States of America; that the United States shall, in return, arrange for tariff concessions to St. Croix.

No money will change hands, and the United States will have the additional advantage of almost encompassing Denmark with the Monroe Doctrine, thus giving herself an excuse to check Russia, when that cormorant makes her first sign of closing in upon Norway, Sweden and Denmark, and threatens American trade in the Baltic. Denmark would part with one of her Islands without regret, on account of the great advantage accruing to the most important, commercially, of the group, St. Croix; and the United States would gain the only advantage she wants, and be delivered from another incubus.

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Not only would Denmark be quite satisfied with this settlement of the Islands problem, but she would like the idea of a little alliance with the United States, as it were. Like all the world she is awake and restless, looking about for new friends, for opportunities that may lead to future greatness, and win her the admiration of more powerful states. As a Dane remarked the other day: "All the nations are trying to get into society." She already has one of the finest steamship lines in Europe, and half a million kroners have been deposited as a guarantee that a service shall be established to the West Indies, should she retain two of her Islands.

The sentiment in the Islands is too complicated to be set forth in detail here, but all unite on one point: something must be done at once for St. Croix, which is well over the verge of ruin. A majority are for the sale, no doubt, but three points have not been brought home to them: (1) There will be exactly the same determined opposition in the United States to their commercial interests as Porto Rico has experienced, and a further delay in which they may starve; (2) They will be heavily taxed, made to support themselves; for the United States is not sentimental, and will pay no annual hundred and fifty thousand dollars deficit; (3) Most important of all: it may be several years before they can get their sugar, rum, etc., to New York without enormous expense. According to the laws of the United States, no foreign ship may carry goods between two American ports. The larger part of the products of the Lesser Antilles is carried to the United States by the Quebec Steamship Co., which flies the British flag. Naturally, after leaving St. Kitts, these cargo steamers will sail directly for New York, ignoring the new American ports. The Messrs. Outerbridge will be obliged either to buy at once new steamers flying the American colors, for the sole object of getting the sugar and rum of one small island and the bay-rum of another to New York, or to change their flag, a long, laborious and expensive process. Again, St. Croix may starve. She is between the devil and the deep sea, and the only procedure which can save her is a new treaty.

The point in this treaty which vitally concerns us is, that it will be untainted.

GERTRUDE ATHERTON.

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REMARKS UPON THE MECHANICAL DEVELOPMENT OF SEX IN ANIMAL LIFE.

BY THE LATE PROFESSOR S. L. SCHENCK, OF VIENNA.

In the following article, consideration will be given to a number of facts calculated to lead to further discoveries within the sphere of our theory, viz., the dependence of sexual difference upon outward influences. I will begin by observing that the reader will soon gain the conviction that, among the many theories brought forward since the earliest times upon the subject of influence on the formation of sex in the ovum, one alone can lay claim to accuracy and validity, that, namely, which is intimately connected with the theory of nutritious and organic exchange. From that standpoint I have attempted to solve this question.

To the theory which I have here undertaken to discuss, opposition is general, while attacks upon it are continuous, both from qualified and unqualified judges of the matter. This question, raised by me, has called forth a complete literature of its own since the publication of my work, and this has had the effect of strengthening and confirming my views on many points.

In natural science, it is certain that a cell cannot dispense with nutrition and organic exchange in the performance of its natural functions, which manifest themselves in the most varied ways. The necessary conditions for these must be supplied. In favorable and normal circumstances, the cell will fulfil its natural career, and also provide for the preservation of its kind.

If we, however, in any way change the conditions of nutrition, and the exterior circumstances connected with these, corresponding effects will necessarily manifest themselves. This is true not only of such cells as are independent living organisms, but also of all cells existing in a cellular form for the support of an individual. The conditions of existence for these latter cells, as also for the

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life of the whole organism which they make up, obviously cannot be carried out without the nutrition and organic exchange of the same. Each of the elementary organisms constituting the whole must perform its organic exchange as it is supplied, in order to multiply, to maintain its life and its species. This increase is only rendered possible *by each individual cell being supported by the whole parent organism, a constituent part of which it forms, if it is to contribute to the support of the whole.*

When, then, should the ovum cell, proceeding from a metamorphosed epithelial cell in the animal organism of a metazoön, be independent of the influence of the parent organism in whose ovary it is developed? The different forms which an epithelial cell of the ovary passes through, until it arrives at the permanent shape of an ovum, ready for impregnation, are an evidence *that the changes and metamorphoses taking place in the ovum require nutriment to assist in their structure.*

This is certainly not contained in the ovum alone, the epithelial cell on the surface of the ovary, nor is it so constituted as to dispense with assistance from the parent.

Now, it is seen that the mature ova, ready for development, in the case of a large number of animals, may be removed from the parent after impregnation, and develop to perfection by artificial breeding or incubation. It is quite otherwise with the ova before they attain maturity. Here they are entirely dependent on the parent organism to which they belong. On these their completion depends: they possess the same chemical constituents as these, and receive them from the parent during their development. Only by means of the nutrition and organic exchange of the parent can the ovum contained be influenced in the most diverse ways during its *development before impregnation.*

It is self-evident that, through this influence, the special characteristics of the ovum may be developed or varied to a certain degree. This point is also worthy of notice, for the reason that by these means certain changes may be introduced in the ovum, calculated to produce various essential alterations in the offspring of certain classes of animals.

The hereditary nature of the characteristics of different individuals in a normal state, and the deviation from these normal conditions in cases of disease, are equally qualified to give ground

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to the assertion that not only does chemical and physiological action take place in the cells, producing changes therein, but that also the parent animal, whose morphological constituents consist of these cells, must have an important influence on their metamorphoses, mode of life and pathological formation.

Now the ovum protoplasm and its nucleus also contain its capabilities in other directions, so that we find in it everything prepared that is necessary to development.

By the chemical analysis of the ova of various animals, it is shown that the chemical elements necessary to their structure, which are present in the developed animal, are also contained in the ovum before impregnation. These elements are probably not received into the ovum direct from the exterior world of the parent organism, but only by the intermediation of the parent animal, whose most important task is doubtless to nourish and preserve the ovum. All these processes must take place before impregnation, and during the period when the germ is undergoing development, from its first origin until it is sufficiently matured for impregnation. The chemical elements of the mature ova of different animals have often been analyzed by scientists. A complete literature exists upon this branch of experiment. The chemical changes and synthetical processes of different substances in the ovum after impregnation are accompanied by complicated morphological changes. Hitherto we have gained but little insight into these.

The elements of the human ovum, which is not so accessible to chemical research on account of its microscopic size, have not been investigated so thoroughly as those of other classes of vertebrata possessing larger ova.

The bases of the chemical and physiological processes are formed in the ovum. These seem to take place regularly in the different ova, as the processes after impregnation, as well as the phenomena of maturation, repeat themselves more or less constantly, and are maintained to a certain extent in various succeeding generations. Here, however, there are a number of processes to be noticed, which are manifested by visible changes, and form the object of direct observation. The effects of these are such as lead to the development of permanent animal forms, with corresponding signs. They include the phenomena of the ontogenetic and coenogenetic characteristics of organic individuals during de-

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velopment. In addition to these visible processes, which are recognizable by morphological signs, there also occur within the ovum changes of a physiological nature, the knowledge of which is still imperfect and insufficiently studied.

So, for example, are formed the functional power of the heart's action, of the breathing apparatus, of the intestinal canal, of the central and peripheral nerve system, of motility, etc. In all these processes, besides a number of anatomical signs to be observed, leading to development of the permanent forms, there are certain other constantly recurring actions in the histological elements and the organs composed of these, the study of which is at present impossible.

To this class of phenomena also belong the origin and completion of the difference of sex in the human ovum and in that of animals. In these changes taking place in the ovum, it is impossible to detect any morphological or physiological sign, by means of which it might be determined with certainty in the case of the unimpregnated ovum, in its early stages of development, whether it be male or female.

It may, however, be said with certainty that this phenomenon must be considered as inherited, and that a fundamental cause must precede this heredity. The heredity of sex appears to be connected with the heredity of other physiological qualities. With the preservation of the latter quality in the offspring, it also happens that the one or the other sex is formed in the ovum.

Its appearance at this time does not seem to be an independent formation of the genital regions alone. The sex may also be affected by the influence shown by other important points in the development and maturation of the ovum. In the question of the heredity of sex, the heredity of other forms of action, by which the sex may be influenced in either direction in families (through inheritance), must not be left unconsidered. Those qualities of the parent which affect the sex of an ovum, such as nutrition and organic exchange, appear to be necessarily hereditary, in order to produce an effect in the formation of sex by heredity. It is impossible to leave out of question the active influence of the parent animal. The ovum coincides in all conditions of nutrition with the parent, whether the former be in the earliest stage of development or in a state of maturity. Even after impregnation,

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the dependence of the various processes of development upon the parent is not to be denied.

Some ova remain in contact with the stroma, and obtain what is necessary to their support directly and continuously from the parent during the embryo existence. Others have gained a certain provision from the stroma, which is employed during the first period after their separation from the parent, until they are able to procure the materials for nutrition from their surroundings outside the parent animal. In both cases the parent originally provides the substratum for the formation of all the parts and organs composing the new organism.

On examination of the various assertions recently made on the subject of influencing the development of sex, it will be found that in most cases one fact is especially prominent, arguing that it is possible to combat and successfully overcome all the different casual moments. According to the theories hitherto prevalent, these causes may be explained in the most diverse ways. It is, however, certain that the many existing theories may be partly or entirely disproved. Only the theory founded on the nutrition of the parent individual may claim to have been confirmed by many undeniable facts. Those who most hotly oppose this theory are still forced by the facts hitherto published, to allow that nutrition is a means toward the development of a particular sex, if not for all species of animals, yet for a certain class. The significance of nutrition and organic exchange in the discussion of this question is always of the highest importance to the formation of sex. Any one who has the opportunity of studying the conditions of organic exchange in the parent and obtaining the result in figures, will soon be able to remark differences in the totals of these columns worthy of attention. It will be found that these show a greater capacity for the consumption of nitrogenous substances in connection with the male sex, than in the case of those ova which develop into female individuals. Such figures concerning the consumption of nitrogenous food are also of importance so far as they are of assistance in the determination of important questions concerning the early period of gestation, the solution of which is very desirable.

A number of observations are here briefly adduced, which may assist in confirming the principles of our theory on "Influence on

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the Relative Proportions of the Sexes," and the dependence of these on nutrition and organic exchange.

On the announcement of my publication, a treatise by Dr. Ludwig Cohn, in Königsberg, appeared, in which this question was discussed from the standpoint of biological and statistical experience. He seeks to disprove modern ideas, and takes a negative view of every branch of the subject.

This principle of negation cannot, however, be observed in the question of the nutrition of the embryo. He is here compelled to take into consideration the observations on plants first made by Knight, namely, that those grown in a well-manured soil produce a superfluity of female forms.

As regards many animals of inferior classes, we are in a position to testify to facts, proving that there is an undoubted influence on the formation of sex by means of nutrition.

Firstly, the experiments of Landois on caterpillars of the *Vanessa urticæ* genus bear witness to this. He succeeded in producing male or female specimens at will by a first abundant and afterward scanty scheme of nutrition.

The effects of nutrition on the sex of bees has been noticed constantly. Larvæ placed in queens' cells and well nourished become queens, while those hatched in workers' cells and badly nourished become sexually imperfect workers.

In the case of stag beetles, various rudimentary deformities are found. This phenomenon is strikingly noticeable in circumstances of insufficient nutriment during the larva period.

In the case of scanty nutrition, it is usually the males that preponderate and are imperfectly formed.

The eggs of the phylloxera also show that a larger or smaller quantity of the food which serves to nourish and preserve the embryo during the embryonal period, also affects the sex of the same. Females are produced from the larger eggs laid in autumn, and males from the smaller ones. But, in many cases in the animal kingdom, males and females may be distinguished in the earliest embryo form, in the so-called cellular period. Many farmers assert that with fowls' eggs they can deduce the sex which the egg will produce by its outward shape. Thury also mentions the observation of O. Bourit, according to which, in the case of many singing birds, the last-laid egg is said to be conspicuously smaller and during incubation to develop into a male.

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Observations have also been noted in the case of the higher animals, showing that scanty nutrition is favorable to the development of males.

Ploss asserts that the proportion of male births rises and falls with the price of food. According to this author, more boys are born in the Kingdom of Saxony in times of agricultural depression. In Paris, in the years from 1841 to 1850, the fluctuating price of grain is said to have been noticeable in the same manner. In reference to these phenomena, Rolph characterizes males as a "hunger generation." In explanation of this fact, Alexander von Padberg makes the following remarks: "Bad times, bad living and food do not affect men and women in like degree. Women have more patience and endurance than men. One reason of this is that the latter have, generally speaking, more needs than women. It seems that, in circumstances of scanty nutrition, the preservation of the individual is provided for, and not that of the race. Men suffer also more in times of want, both bodily and mentally, than the more abstemious women, who are less dependent on food. Hence, the greater influence of the latter on procreative action, and (according to the theory of *crossed sexual heredity*) more male births. This theory of crossed sexual heredity has long been known. Oken and Buffon were acquainted with it. It was treated with much penetration by the mental specialist Richarz, of Enderich, near Bonn, and considerably strengthened by Janke, by a minute account of the proceedings of the American farmer Fiquet, and by the experiments of Düsing.

A remarkable preponderance of boys in the country, in comparison with the inhabitants of towns, and the same among mountaineers, has been often proved (Ploss, Conradi, Giron, Horn). The conditions of nutrition, and especially the organic exchange of the parent individual, have an influence on the formation of sex, not only among the lower animals, but also in the case of the higher species, and also of man. The fact is well known to huntsmen that, in years of plentiful forage, females predominate in the hunting districts, especially among mammalia; this has been vouched for constantly.

In eggs parthogenetically developed, among crustaceans as well as insects, the influence of nutrition on the determination of sex may be seen in a remarkable manner. Not the nutrition alone, but certain circumstances connected with it, are especially

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worthy of notice. *Artemisia salina,* a small salt-water crab, is influenced by an alteration in the quantity of salt in the water, so that in consequence of dilution it produces a preponderance of male offspring.

Maupas, and later Nussbaum, occupied themselves with the rearing of *Hydatina.* It was found by experiments that more males were produced by keeping the animalculæ in cold water, but when this was heated to from twenty-four to twenty-six degrees, Centigrade, a numerous generation of females was the result.

In the reports of the *Monde Médical* (Vol. VIII., No. 2, Paris, 1898), mention is made of a contribution by Le Dantec to the *Comptes Rendus.* In the course of his studies on heredity, the above-mentioned author came to the conclusion that the sexual differentiation of two *Plastidæ* of the same genus could not be caused by any difference in their chemical composition, and that it must, therefore, arise from their molecular dissimilarity.

By the use of Pasteur's nutritious fluid, in which a solution, saturated with pro-tartrate of ammonia, is employed as an aliment, the nutrition has an influence on the *Plastidæ,* particularly in the determination of sex. Hence Le Dantec declared himself ready to adopt the theory formulated by myself.

Mary Treat,[1] of Vineland, New Jersey, called attention to an interesting fact observed by her in the early seventies of last century. In this experiment the determination of sex appeared especially dependent on the supply of food. Hence results were obtained by artificially influencing nutrition. Thirty-four males and one female were produced from a so-called "male" box, in which male specimens of *Papilio asterias* were bred by means of underfeeding. Out of seventy-nine specimens, fed by Mary Treat in the above-mentioned manner, with a view to the production of males, only three females were found, the others proving to be males. An entire exclusion of the female sex was not attained, a fact which coincides, generally speaking, with the experiments of other writers. I am acquainted with similar experiments on silk-worms, among which a large preponderance of males was effected, but it was difficult entirely to prevent the production of females in a single experiment. It appears that the complete exclusion of one sex from a brood very rarely occurs. It is also probable that all these animals have not equal capacities of assimilation, so that

[1] *The Journal of Hygiene and Herald of Health,* Vol. XLVIII, 1898, No 5.)

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a difference in the latter may easily occur, inferior nutrition having the same effect on one specimen as abundance on another.

In Koch's Encyclopædia of collected animal medical science, among nine classes of the results of the subjoined experiments, one class is especially prominent, in which the formation of sex in offspring is said to be effected by nutrition, this latter, when superior, being favorable to the production of the female, and, when inferior, to that of the male sex. Young, well-nourished mothers bear proportionately more female children, while those older and not so well nourished have more expectation of male offspring. But it is conceded by Wilkens that, in addition to nutrition, there are other influences at work upon the determination of sex, which may not yet have been considered, and the investigation of which has not yet been made. Hence it occurs that one and the same female generator, in the same conditions of stimulation, does not always generate the same sex.

In Fühlung's *Agricultural Journal* (Leipzig, 1898), various opinions are quoted by Robert Müller on the causes of the relative proportions of the sexes, among which nutrition is mentioned, regarded in the form of abundant or scanty food. But, according to my ideas, nutrition is not to be considered alone, but, in connection with it, the processes of organic exchange, or the employment of the food taken, must be especially studied.

A certain symptom served me as an important guide, namely, the disappearance of sugar from the urine to a mere minimum, or even entirely, so that it cannot be discovered by our present chemical tests, and at the same time the appearance of an increase in the reductive substances, when a male human being is being developed. In these analyses, it is particularly important to ascertain the quantity of albumen assimilated, which can be easily calculated by the amount of nitrogen found in the urine.

The idiosyncrasy of the individual has an influence on the production of a certain sex, hence he has the tendency, through the course of successive lines of descent, to generate particularly one or the other sex.

Lorenz asserts, from his genealogical studies, that entire families appear predestined to the generation of female offspring, and that in some the tendency to male, in others to female, births repeats itself from generation to generation. One also meets with

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the tendency of many families to produce always male or always female first-born through long lines of descent.

Generally speaking, it is only possible in the case of reigning families to determine which sex has predominated in succession through a long line of generations. One fact is certain, that it is only in the rarest cases that one sex occurs exclusively, without the presence of the other if only in very small numbers.

In the study of the heredity of sex, in my opinion, the following points must be remarked. It is not to be supposed that in offspring only one class of the progenitors' idiosyncrasies are to be regarded as hereditary. One cannot admit heredity of sex, without almost conceding the heredity, in the individual concerned, of many other anatomical or physiological signs shown during development.

These inherited characteristics are perhaps necessary, as the active principles involved in the determination of sex might not otherwise take effect.

A mutual dependence in the formation of the different physiological functions of the individual during development, appears to be as certain as is the fact that in the post-embryonal existence of an adult, the various vital physiological functions of an organism must act in a definite connection toward each other. If features, color of the hair and eyes, shape of the hands, and other peculiarities are transmitted to descendants by heredity, why should not the capacity for nutrition and organic exchange be looked upon as hereditary also? In such a case, might not the assimilating powers of the individuals in question be inherited through many generations?

The time will come when numbers alone will not be considered in the genealogy of different families, but after obtaining a sufficient number of *data,* it will be possible to observe other conditions affecting these cases, such as the manner of nutrition and organic exchange. The heredity of these latter appears to be a fact worthy of notice with regard to the determination of sex.

It is not, however, to be denied that there may be many other additional influences, of which we have hitherto no exact knowledge. It may be seen from statistical reports that no case is at present known in which one sex alone is constantly found in a line of successive generations, but there are many cases known of families in which isolated representatives of the other sex occur here and there.

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As I have stated before, there are cases in which the desired result is scarcely attainable by means of outward influences. In experimenting, one meets with cases in which it may be seen by the results of assimilation, even during the experiment, that there is no hope of successfully influencing the formation of sex by means of nourishment. In these latter cases a power of resistance with regard to the assimilation of food appears to be shown, by which it is impossible to obtain a sufficiently large assimilation of albumen, such as is necessary to obtain a male by arbitrarily influencing the sex.

It is still to be added that a number of writers have been occupied with this question of late years since my publication, among whom are Giovanni Cănestrino, A. Gevidelli, L. Weill, of Strasburg; K. Fukii, in Tokio, who also established the influence of nutrition on plants; Professor Dangeard, of Poitiers, and many other scientists.

At the conclusion of my article I venture to introduce, as a curiosity, a quotation made by Michael Stephanides,[1] of Mételin, in which the geographer Strabo gives an account of the influence of nutrition on the formation of sex in human beings. Concerning the arbitrary determination of sex by means of dieting, among the Germanic tribes from India, Strabo writes: "Thus by means of their medical science, they were able to produce either male or female generation, effecting this either by drugs or by the use of certain kinds of food."

[1] (*Revue Scientifique*, Paris, July 16th, 1898.)

S. L. SCHENCK.

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SOCIAL CONDITIONS AND BUSINESS SUCCESS.

BY R. B. VAN CORTLANDT.

THE eyes of the civilized world are fixed at present on American industry, and we, ourselves, in America are almost painfully conscious of the importance of the position we are now occupying on the world-stage. Lately, the various nations of Europe have appeared to vie with each other in proving their friendship to the United States. Friendship among nations, however, is not founded to any great extent upon sentimental considerations; it is rather dictated by self-interest, and we must not, and as a matter of fact we do not, attach very much weight to the protestations of which we are just now the recipients. Europe, or at least the greater part of it, unquestionably views the continued development of our commerce and wealth, and the attendant increase of our power, with feelings in which jealousy, not to use any harsher term, is the chief element, and the minds of many of its political leaders are occupied with devising some means of arresting our progress. It would seem, therefore, that policy would suggest our forbearing to proclaim too loudly the strength of our position, in order not to excite still further unnecessary antagonism. We have a right, nevertheless, to analyze the various factors which have produced the America of to-day, and the existing political, social and industrial order of things; and to consider whether or not they are such as are making for our continued advance in general civilization, and for the strengthening of our position in the family of nations.

My boyhood was spent on the continent of Europe, and I have since been abroad frequently, mingling while there, through relatives and friends, in the social life of the various countries, and, through business connections, meeting many European representatives of different branches of commercial activity. As

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a natural result, I have been led to compare the attitude assumed toward commercial pursuits by the corresponding social circles of America and of the countries which are now our chief competitors for the trade of the world. The irresistible deduction from such a comparison is that the United States has a signal advantage over European rivals in this, that conditions in the United States tend to encourage men of the highest intelligence and character not only to choose a business calling at the outset of their career, but also to continue to put forth the best efforts of their mind and vitality long after what is supposed to be the object of business, namely, the acquisition of a fortune, has been attained.

In Europe, on the other hand, the surroundings of a successful man of affairs, who has accumulated large wealth, tend to dampen or destroy the ardor with which in his earlier years fortune was pursued and overtaken.

The two nations with which we are at present in the strongest industrial competition, and against which, therefore, we must measure ourselves with the greatest care, comparing ourselves with them at all points—namely, England and Germany—are both monarchical in the form of their government. The foremost social class in both, therefore, is an aristocracy, which retains its position to some extent irrespective of wealth, and the members of which are brought up to consider their birth as giving them an inherent right to social position. It is admitted, I presume, that in Germany the aristocratic structure of society still flourishes. It would, however, be contended by some, doubtless, that Great Britain, while a monarchy in name, in reality enjoys as much freedom as the United States. Politically, this may be true. Socially, however, England is divided into classes in a way which is unknown in America. The prestige of monarchy could not very well be upheld otherwise, and naturally the peerage holds the first rank. We will put aside entirely the question of the loss of dignity which the choice of a commercial career might entail. That is a consideration which is gradually losing force the world over. It does not, therefore, come within the scope of this article, which purposes only to touch on certain conditions fundamental to the social structure of our own country and that of our principal industrial competitors.

The atmosphere in which the members of the European aris-

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tocracy, the leading social class of the Old World, live is one which fosters in the highest degree the pursuit of the various means through which men's lives are made pleasant and interesting, such as sport in all its branches, play, entertainments, travel, etc. Work, consequently—by which is here meant the management of large undertakings—demanding as it does constant and almost undivided attention, is looked upon among them as irksome and disagreeable, and to some extent as incompatible with the highest social position, because the aristocracy is connected with business only to a small extent, the possession of landed property, rather, conferring social distinction.

Let us grant now that success has come to the European man of business, and that his fortune has been achieved. These gratifying results will, alas, be accompanied by the inevitable arrival of middle age, and children will probably have reached a period when the friendships they make will have an important bearing on their future in life. The head of the family, ambitious for his children, is almost irresistibly led to adopt the ways of living and thinking of the aristocracy, thereby consigning the interests of his business to the background, so that his mind is no longer concentrated on its development. In fact, as the lives of the members of the aristocracy are passed largely on country estates, in shooting and hunting, it would be practically impossible for him to devote the requisite time to close attention to business. Let us suppose that our friend has reached the age of fifty. It should be just at this time that his experience, now wide, and his large means should be more than ever prolific in bearing fruit; yet it is, perhaps, just at this time that his energy slackens, and he turns to the cultivation of other interests.

I am not now discussing the pursuit of happiness, nor the wisest method of regulating one's life. Our friend may be quite justified in acting as he does. I wish to speak only of the economic results which necessarily ensue from such a course, as compared with the life of the American business man of equal importance.

Let us look for a moment at the latter.

At the age of fifty, the successful American has developed his business to large proportions, and has acquired the experience and the capital necessary to enable him to fight his way on to further success. He feels himself to be master of the calling

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to which his life work has been devoted. His position in the community is constantly improving. His co-operation is sought from many sides; in commerce, in politics, in charity, in society (perhaps the most gratifying tribute of all); his mind is interested as it never has been before; he realizes that his prestige has been derived from his business success, and that the two go hand in hand. No superior class hangs over him like a pall. No supercilious comment instils poison into the brain whose energy is concentrated on "business." His best efforts can be put forth in his commercial or industrial occupation, not only without fear of endangering his position and that of his family, but rather with the certainty that further rewards await him. His employees, too, feeling that their chief is bending all his faculties to perfect the organization and increase the volume of his business, are stimulated on their part to do their best, and the morale of the force is quickened throughout all its parts, be it a banking firm with a score or two of employees, or an extensive industrial enterprise with its thousands.

England at present is complaining bitterly of the narrowness of the policy now dominating its labor unions, whereby the amount of work which the unions allow each man to perform is in many cases not much more than half what he could accomplish by reasonable application. In America, as yet, at least, there has been little complaint on this point from employers. The efforts of our labor unions have been directed toward securing higher wages, shorter hours, or recognition of the union itself by the employers; but the individual working man is generally willing to apply himself with a fair amount of steadiness, and turn out whatever work may result. It is needless to say that this policy is by far the best for him to pursue, as thereby the industrial importance, wealth and prosperity of the United States are increased, and he himself, as a citizen, benefited in every way. If English capitalists would realize that the source of the troubles of which they complain lies not so much in the unions as at the fountain head, through insufficient interest and energy on the part of the chiefs, a real step would be taken in improving English industry.

Considering, therefore, the foundations upon which labor, whether of the head or of the hand, rests in America, as compared with the nations now disputing with us the markets of the

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world, I think we may well look forward to the future with confidence. It would seem that republican institutions wisely administered, in a community educated to self-government and to the restraints which its responsibilities impose, furnish the ideal conditions for the best economic results.

The German Emperor, who, whatever we may think of him as an individual, is undeniably master of the kingly craft, with its accompanying necessity of constant watchfulness for the interests and welfare of his Empire, seems thoroughly alive to the superiority of our conditions for supremacy in trade. The attentions which he has been showing to the leaders of German industry, much to the disgust of the aristocracy, can only be aimed at increasing their social consideration and thereby making an industrial career more attractive.

When the framers of our Constitution planned the political structure for the country which they hoped was to be the home of a free and happy people, they could only dimly, at least, have foreseen the economic results which the future held in store for the generations to come. Does it not seem as if Providence were even then at work, silently guiding their minds toward ends greater and more far-reaching than they themselves could possibly have conceived?

R. B. Van Cortlandt.

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FRANCE AND THE ASSOCIATIONS LAW.

BY WALTER LITTLEFIELD.

FREEDOM of conscience, so-called, whether religious or non-religious, is probably the most important guarantee of modern civilized society. It is a light which illuminates the past and beacons the future. It protects superstition, but it guides intelligence. It was natural, therefore, that the extraordinary religio-militant demonstrations which France has witnessed this summer should arouse keen interest throughout the world. It was natural, too, that wide-spread sympathy should be felt for those servants of the Roman Catholic Church, who were the victims of a law which seemed to strike at the very root of individual liberty.

The record of events as transmitted by cable, offered encouragement, if not absolute justification, for the sympathy aroused. Between June 27th and August 20th, nearly 2,500 schools and seminaries controlled by Religious Orders were closed by decrees signed by the President of the Republic. Often the execution of these decrees was attended by acts of violence. In certain Departments, so formidable was the resistance the people offered, that the police at the command of the local prefects was found to be insufficient, and the military was employed. Scenes of great dramatic and human interest took place, particularly in west Brittany and in the Vendée south of Brittany. At Lanouée, 600 nuns and peasant women armed with scythes and pikes defended a school until dispersed by the soldiers. At Saint-Méen, a conflict between the enraged populace and the soldiers was narrowly avoided. A school at Plondaniel was heavily barricaded and the Lady Superior said to the gendarmes sent to expel her: "You see our defences. You must shoot us before we yield. There will be bloodshed if any one attempts to enter." The Lady Superior at Landerneau Convent said: "Like true Bretons, we will yield only to force. The women

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and other people who are guarding the school night and day have given us a courageous example." The common people were not alone in championing the cause of the Sisters. At Sully, the Marquise MacMahon, daughter of the Duc de Chartres, took her place with the nuns in the local convent and was forcibly expelled with them. In the same manner the Duchesse de Braganza stood by the nuns of St. Benedict. Two officers of the army, Col. de Saint-Rémy and Commandant Le Roy Ladurie refused to obey orders to expel nuns, on the ground that they were Christians first and soldiers afterwards.

These are only a few of the incidents attending the execution of the decrees. In the mean time, public meetings were held in various towns where the action of the Government was condemned with mighty vociferation. Certain local Courts of Appeal declared the placing of seals on the school doors illegal. Several magistrates resigned rather than prosecute those who had met the police and soldiers with assault. Even prelates of the secular clergy begged the Government to give the Sisters more time. A delegation of Parisian society ladies waited on Mme. Loubet praying that she would use her influence with her husband to stop "this monstrous outrage." It was all in vain. Decrees of closure continued to be signed and enforced. By the last of August the work was complete. Every school in France, which had not willingly acknowledged the authority of the state, had been closed. At the eleventh hour the Government made this concession: the schools might be reopened with lay teachers, pending the settlement of the estates.

But what was the exact character of the schools closed?

Why had they declined to comply with the law?

What was this law, its origin, its aim?

It may be stated here, in the most categorical manner possible, that no purely charitable institution has been disturbed by the decrees. Those schools, the closing of which has aroused such profound sympathy abroad, may be divided into three classes: (1) those in which pupils were received free of charge, but which were supported by subscriptions, or by profit from the pupils' work; (2) those maintained as stock companies, deriving their means from the tuition paid by pupils; and (3) those receiving charity pupils as well as paid pupils and supported by various means—direct subscription, tuition, or through stipend granted

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them by the Religious Order in whose name they were operated. All came under the generally accepted definition of "private schools," for they were conducted by independent, organized bodies, and capable of producing pecuniary profit.

In denying the right of the state to interfere with the schools, both the Concordat of 1801 and the Falloux Law of 1850 were evoked. One guaranteed to the Catholic Church full exercise of its rubric. The second made religious education independent of state authority. Popularly, Catholic resentment may be best expressed by the words of the Lady Superior of the Assumptionist Convent, in the Rue Violet, Paris: "We deny the right of the Government to pay domiciliary visits to our convents. We deny its right to supervise our methods or inquire into our aims. We have nothing to conceal, but a principle is at stake and we mean to defend it."

It seems proper to pause here and consider the other side of the question.

It should be borne in mind that, of the population of France, numbering 39,000,000 souls, 37,000,000 are Catholics. Is it not absurd to suppose that 2,000,000 Protestants, Jews, Agnostics, Atheists, or what you will, could dictate legislation to such a vast majority enjoying the privilege of universal suffrage? It should also be remembered that the state maintains at her own expense 18 Archbishops, 72 Bishops, 33,452 priests and 6,923 assistant priests, who, while appointed by the state and strictly amenable to the laws thereof, draw their religious authority from the Vatican. Apart from these are the Religious Orders, which have their own constitutions and laws. Ostensibly, they are within the jurisdiction of the Vatican; in reality, they draw their authority from their own executives, who have been known to go contrary to the rule of the Vatican or to bring the Vatican over to their way of thinking. In 1901, these Orders included 152 male and 1,511 female associations, possessing 16,468 establishments—hospitals, asylums, reformatories and schools. In the last ten years these establishments had increased by twenty per cent.

The Religious Orders in France formed a sort of *imperium in imperio*. Readmitted into the country by Napoleon I., they had steadily increased in power and wealth, which, from time to time, were employed toward political ends. But neither monarchy nor empire was actively inimical to their aims and ends. With

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the Republic it has been otherwise. Laws have been introduced taxing their properties; decrees have been enforced dispersing this or that Order. Still, the Orders prospered. They found ways to avoid the payment of taxes. Succeeding Governments removed the restrictions that had been placed upon them.

When, in 1899, the smoke of that prodigious national fulmination known as "the Dreyfus case" had partially subsided, the Republic was revealed in a desperate condition. As the attempt to secure justice for the ill-fated Jewish captain of artillery had spread among fair-minded Frenchmen until it became a Government policy, so, on the other hand, the attempt to perpetuate the original judicial error augmented until it reached the proportions of a conspiracy, not only against the Government, but against the Republic itself whose institutions had made the reopening of the case possible. While the French General Staff was doing its best to conceal the crime of its army chiefs from the eyes of France, the Religious Orders, through their press and pulpits, endeavored to convince France that these chiefs could do no wrong. How well they succeeded has become a matter of history. It needed a fearless and truly patriotic hand to raise the veil and reveal the truth. "The Cabinet of Republican Defence," at whose head was M. Waldeck-Rousseau, did this. The Dreyfus case itself was first dealt with in a manner calculated to restore public tranquillity at the earliest possible moment. Then began the prosecution of that Order which had most flagrantly played the rôle of treason, the Assumptionists, and of the Orléans and Nationalist conspirators.

After the Assumptionists had been dissolved, their organ, "*La Croix,*" suppressed — after MM. Déroulède, Guérin and Marcel-Habert had been sentenced—Frenchmen began to examine those conditions which had made the Dreyfus case possible. They asked themselves: What made the army so ready to perpetuate the crime of its chiefs and shield its forgers and traitors? What made these actions so acceptable to French public opinion?

The army chiefs, who had shown themselves to be enemies of Republican institutions, were all, before entering Saint-Cyr and the Polytechnique, the product of Clerical schools. The discipline of this education, that the end justifies the means, they had carried with them into their army careers. It was natural that

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a large part of the public receiving its education from the same sources should believe in them. This belief, fortified by the traditional fetich of "*L'honneur de l'armée,*" made their characters inviolable. At length, Frenchmen understood the difference between "*Vive la République*" and "*Vive la France*"—the latter portended revolution. But they were ready to forgive their army, for they saw that it had been misled; they saw that under a truly patriotic Minister of War it could be taught its proper function as the servant, and not the master, of the Republic. But they were not ready to forgive the Religious Orders, which had attempted to seduce their army and make the people of France acquiesce in the seduction. They realized that the very medium through which the Orders exerted their influence, accumulated their wealth, and extended their power, was inimical to democratic principles—that their system of education, however successful it might be in moulding the minds of Royalists, could never turn out thoroughly republican French citizens.

The Associations Law was the masterpiece of the Waldeck-Rousseau administration. It had three objects in view: to enable the Government to declare null and void, without process of law, any association which, in character, design or influence, was deemed contrary to existing laws; to force native associations to recognize the state as their source of power; to force associations in France controlled from abroad to show cause why they should be permitted to exist within the jurisdiction of the Republic. An association was defined as an organization "of two or more persons, whereby they place in common their knowledge or activity with a purpose other than that of sharing profits." Proper punishments were provided for violations of this law. In the case of an illegal association, its property was to be returned to the original donors or their heirs, as far as possible; to those of its members whose labors had contributed to its wealth; or, finally, it was to be set aside for a superannuated workingman's pension fund. The bill was passed by a majority of 79 in the Chamber and 74 in the Senate. It became a law on July 1st, 1901. Six months were given the Orders in which to apply for authorization. The time was then extended for three months; then for three months more.

Although Religious Orders were not specially designated in the law, it was obvious that its application would completely disrupt

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and disorganize their system. Militant societies like the Assumptionists and Jesuits would at once come under the class of illegal associations; the great Latin Orders of Dominicans, Carmelites, Capucins, Benedictines, etc., controlled from abroad, could only receive authorization to operate in France after a most searching inquiry into their methods and aims; other Orders must acknowledge the sovereignty of the state. But it was not alone the fear of political interference on the part of the Orders which had caused all liberal-minded Catholics to unite with non-religious Deputies in a desire to suppress or regulate the Congregations. Their papers, like "*La Croix*" and "*Le Pélerin,*" prostituted their columns to the most ignorant, superstitious and easily gullible portion of the French public. It is, I think, proper to show the character of these offences, if for no other reason than to reveal one source of the wealth of the Orders and the cause of their detestation by all progressive and fair-minded Frenchmen of any creed whatsoever. Opening, almost at random, the files of "*Le Pélerin,*" I come upon the following notice:

"Seven hundred and eighty-nine letters have been deposited this week in St. Anthony's box, 8 Rue François I., Paris. They announced or recommended: 153 healings, 562 temporal graces, 193 conversions, 180 positions obtained, 492 thanksgivings, 36 vocations, 52 marriages, 553 special graces, 12 first communions, 260 trading establishments, 41 lost objects, 24 examinations, 168 families, 110 deceased, 27 law suits, 125 young people, 21 parishes, 10 literary works."

Sixty-seven letters addressed to St. Anthony are quoted; they brought to his coffers 643 francs. It is simply a matter of arithmetic, therefore, to show that his week's mail at one box probably netted to him 6,500 francs, or $1,300. Two letters will be sufficient to indicate the nature of the others:

"Herault.—Two francs promised to St. Anthony if we found our poor dog, who had gone astray on the mountain. He has turned up safe and sound. I fulfil my promise."

"Nord.—Promised five francs to St. Anthony if he would accord me his protection in regard to our business, and in particular for the success of three ventures which preoccupied us. We have been heard. Thanks."

In these circumstances, it is not surprising that in 1899 the Assumptionists had 1,800,000 francs in their strong-box. Nor is

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it to be wondered at that, with such methods, the property of the Orders so rapidly augmented in France, until it became the despair of the Secular Clergy.

By October, 2d, 1901, only 1,779 male and 3,362 female establishments of the Orders had sent in petitions praying for authorization by the French Government, leaving 11,327 out of 16,468 establishments which made no application. Many Congregations —Carthusians, Jesuits, Carmelites, Benedictines, Assumptionists, etc.—were preparing to leave France or had already done so. Among those who had applied for and received authorization, were the Capucins, Dominicans, and Trappists. Others declared that they would await events. The Pope, before the passage of the Associations Law, had in a letter addressed to the bishops of France protested against its principle and aim. He now instructed the Orders to apply for authorization if they so desired. It is a significant fact that the Orders which applied for authorization were those which have always been obedient to the will of the Vatican, expressed or implied, and mindful of the attitude of the Secular Church of France.

Last autumn the Waldeck-Rousseau Ministry became the longest-lived of any Government in the career of the Third Republic; and, although it still continued to command working majorities in the Chamber, it was felt that, before closing the establishments of the recalcitrant Orders by decrees, a proper respect for the sentiment of the body politic of France required an expression on this point through universal suffrage. The general elections of last Spring set an unqualified stamp of approval upon the work of the Cabinet, both realized and prospective. So encouraging was the Government majority that M. Waldeck-Rousseau decided to leave in more expert hands that part of the programme of "Republican Defence" which still lacked execution. M. Waldeck-Rousseau withdrew, and was succeeded by M. Combes as President of the Council and Minister of Public Worship. The obvious progressive and radical proclivities of a majority of the Deputies that had been returned caused other changes to be made in the personnel of the Cabinet, but M. Delcassé's retention of the Foreign Portfolio was a guarantee of continued pacific international relations, while with Gen. André in the War Office there was little danger that the army would again forget itself.

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And here a word about M. Combes. Upon his shoulders, as Minister of Interior and of Public Worship, rested the execution of the Law of Associations. M. Combes, who has been a Senator since 1885, is a doctor by profession. He was educated by the Jesuits and even took orders. His knowledge of church history is profound. He is the author of an authoritative work entitled "*Psychologie de Saint Thomas d' Aquin.*" On June 10th he read the Government declaration from the tribune of the Chamber. Those parts of the address pertaining to the subject in hand are worthy of remembrance:

"The electoral campaign turned entirely on the policy of the late Ministry and of the majority behind it. The enemies of our institutions have denounced as a sectarian and revolutionary work what was merely a work of union between the different fractions of the Republican party for the defence of the Republic. Universal suffrage has pronounced. It has approved the conduct of the Government, it has returned a stronger majority and one not less determined to hold together. It is to this majority, without distinction of shades, that we appeal. Its ranks remain open to all men of good-will, its union is as obligatory as ever not only to complete the work of Republican defence and action, so well begun by our predecessors, but to give the country the reform it awaits. Why should this union cease, since it is by it that we have won? The Government will seek to avoid all that might have the effect of breaking or enfeebling it. The coalition condemned by the country has done everything of late years to alter the national character of the army and to divert it from its unique and noble mission. We should combat, with the utmost energy, any such attempts, were they to occur again. We shall know how to hold the army aloof from politics.

"Yielding to culpable suggestions, a portion of the clergy has sought to confound the cause of the Catholic Church with that of the Religious Orders. Contrary to the spirit of the law, it has descended into the electoral arena. Such lapses are intolerable. We shall have to examine with you whether the means of action at present at the disposal of the Government suffice to prevent their repetition. The Associations Law has entered upon the period of administrative and judicial application. The Government will see to it that none of its provisions remains null and void. We shall propose to you at the same time the abrogation of the Education (Falloux) Law of March 15, 1850, and the restoration to the state, without being obliged to revert to a University monopoly, of the rights and guarantees which it now utterly lacks."

As I have stated, the first budget of decrees ordering the closing of Association schools was presented to President Loubet for his

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signature on June 27th. This dealt with 135 schools, which were closed. July 4th witnessed a spirited debate on the subject in the Chamber. MM. Denys Cochin de Ramel and Abbé Gayraud complained of the force employed by the Government. They contended that the schools established since the promulgation of the Associations Law did not require authorization, and that in any case the Government should wait until the tribunals had pronounced on this point before taking such drastic measures against devoted women.

In his reply, M. Combes maintained that the Associations Law required any new school to apply for authorization, for otherwise, instead of being, as was alleged, tyrannical, it would be perfectly inoffensive. Yet communities had since been founded which had made no such application. This was real defiance of the Government. Sixty-four male and 685 female communities had, however, applied for authorization. He insisted that the Government was bound to act as it had done. Brutality had been spoken of, but on this point there was much exaggeration. Great forbearance had really been shown, although in one case a priest lay down on the threshold of a convent to prevent the police from entering. These communities pretended not to be communities but merely men engaged at salaries. This, however, was a quibble; and the Council of State, in 1830 and 1838, had pronounced against a similar contention. The Government was resolved, supported as it was by a majority in both Chambers, to make the spirit of the Revolution triumph in matters of religious policy. That majority, solid as a rock, would not allow itself to be broken up by legal quibbles, for such a disruption would entail the irremediable bankruptcy of the Republican party. It would be absurd if the Government, while empowered to dissolve formerly authorized communities, were powerless against the unauthorized. M. Combes added:

"This is the first act, which will soon be followed by others. It is well that this first act should be unanimously approved by the Republicans in this Chamber. I am certain that they will do so, for our decree is but the execution of the Ministerial declaration which you applauded and which we maintain intact. Republican France has sent here a majority of representatives resolved on securing the definitive victory of lay society over monastic disobedience."

The speech of the Premier was loudly applauded and was order-

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ed, by a vote of 309 to 218, to be posted in every commune in France. M. Dubief then read a declaration, signed by 225 Deputies, unreservedly approving the acts of the Government. He proposed a resolution expressing confidence that the Government would firmly apply the Associations Law and defend the rights of the lay state. This was adopted, by a vote of 333 to 206.

It is beyond question, therefore, that the drastic measures against the schools were employed with the full consent and approbation of a majority of the Deputies, who reaffirmed their adherence to the policy of M. Combes, even after they had had an opportunity to judge of actual results. In spite of the pettifogging of the legal advisers of the Orders, there is not the slightest doubt as to the constitutionality of the law. The Concordat entered into between Napoleon and Pius VII., regulating affairs between the state and the church, providing for the support of a Secular Clergy by the civil government, etc., makes no mention of the Orders. Indeed, there is no more convincing proof that they were not intended to be included, than that offered by the fact that the Emperor later found it necessary to authorize the return of certain Orders by special, individual decrees. As to the Falloux Law, that measure offers no immunity for educational bodies from the law of the land, although it does place the state at a distinct disadvantage in regard to developing education through the means of public instruction. Nearly all the heads of the Orders accepted the Law as the Government interpreted it, and asked for authorization or removed their Congregations from France. With many of their establishments, however, it was different or there would have been no cause for the Government to employ drastic measures. Why this should have been so is revealed in a speech made the other day by M. Trouillot, Minister of Commerce, at Besañçon:

"We have to deal with stratagem and violence. For this a corner of France has been chosen, a corner formerly ravaged by sanguinary conflicts, where the counter revolution a century ago implanted itself to defend the *Ancien Régime* against the new France. There, by false rumors, men, still but half liberated from the aristocratic yoke, are excited by being told 'the revolution has seized on Paris, the Treasury is empty, insurrection is everywhere threatening, the churches are to be closed, blood will run in the streets!' By such speeches and still more culpable methods the ashes of divisions are rekindled, and attempts are made to convert Brittany, though a country French at heart, into a

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focus of Royalist insurrection. This is what should not be forgotten. The movement is neither Catholic nor religious, it is purely political; and what is striking is that it is fomented not so much by priests as by laymen, who offer the singular spectacle of inflaming the suspected zeal of members of the clergy. But be not uneasy. We are no longer in the time when the Bréton insurrection must be put down by arms. The simple intervention of justice against common law offences, which the Penal Code will be sufficient to repress, will be enough. The law will be enforced. No stratagem, no violence, and, I add, no flinching, will impede the operation of the will of Parliament and the country."

In an official note issued on August 15th, M. Combes dealt with the same phase of the subject:

"The President of the Council made known the contents of the administrative reports, which he had received from the Department of the Finistère, relative to the application of the Law of July 1st, 1901, to the congregationist establishments in the said Department. The superior of the congregations of the nuns of the *Saint Esprit* informed the President of the Council, in two successive letters, that she had twice enjoined the members of her Order having private schools in the Finistère to leave these establishments, but her endeavors failed owing to the resistance opposed by the owners of the school buildings and by part of the people residing in the district. It results, in fact, from the official reports, and from all the information collected, that the movement of resistance, which was at first presented as Catholic, is clearly and violently Royalist. The movement has led to serious offences and misdemeanors, which come under the action of the penal laws, and which will give rise to judicial prosecutions. Instructions in this sense have been transmitted to the Procurator-General of the Republic by the Keeper of the Seals."

This is the entire explanation of those "heart-rending" scenes, those "monstrous outrages," which took place in the old Royalist strongholds of Finistère and the Vendée, and aroused the sympathy of the British and American press. It is nonsense for the Vicomte Lagatinais, Admiral de Cuverville, Abbé Gayraud, Comte de Mun, and Councillor Soubigou to disown this conspiracy. The character of the demonstrations proves its existence. The circulars issued by the political bureau of the Bourbon-Orléans pretender show its origin. The complete silence of the Vatican robs it of all exalted Roman Catholic authority.

And now the *Conseils Généraux* of the Departments of France, which correspond to the State Legislatures in the United States, have passed resolutions in regard to the enforcement of the Asso-

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ciations Law, an overwhelming majority of them enthusiastically supporting the Government's policy. Paradoxical as it may seem, certain legislatures of Brittany are among the majority. Now, too, the actual originators of the movement to defy the Government, the pernicious mentors of the poor misguided nuns, the demagogues of a deluded and ignorant populace, have cast aside all disguise and appear in their true light as enemies of the Republic. Nationalists, Royalists, Bonapartists, or, at any rate, the wildest among them, have embarked upon a foolish and futile campaign to induce Frenchmen to refuse the payment of taxes. They threaten no harm, however. Now that they work in the light, they are merely ridiculous. Let it be remembered that Brunetière, Lemaître, Coppée, Drumont, who are now so vociferously crying "*Vive la liberté!*" were just as vociferous three years ago in shouting "Death to the Jews!" It is astonishing that their curious inconsistency does not occasionally come home to them.

The truth of the matter is that the Dreyfus case revealed to intelligent Frenchmen a monstrous Politico-Religious Trust, which, while monopolizing public education, threatened the existence of all democratic government. They have crushed this trust in the most effectual manner possible. The repeal of the Falloux Law, which is part of the programme of the Combes Ministry, will give a government truly representative of the people of France full authority to establish and maintain institutions in which the youth of the Republic shall receive lessons in true democratic citizenship. There is reason to hope that the obstacles of the future may not be so formidable as those of the past.

WALTER LITTLEFIELD.

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SUFFRAGE RESTRICTION IN THE SOUTH; ITS CAUSES AND CONSEQUENCES.

BY CLARENCE H. POE, EDITOR OF "THE PROGRESSIVE FARMER," RALEIGH, NORTH CAROLINA.

THE political history of the Southern States since the adoption of the Fourteenth Amendment to our national Constitution has been completely dominated by one overshadowing problem, negro suffrage. And with regard to that problem, this period of the South's history may be roughly divided into three epochs:

1. The era of unrestricted negro suffrage, ending about 1875;

2. The era of restriction or control by methods not recognized in the law. This lasted, broadly speaking, from 1875 to 1895;

3. The era of disfranchisement by State laws, prescribing, as tests of fitness for the suffrage, qualifications possessed by a much smaller proportion of blacks than of whites. Of this period we have hardly yet reached the end of the beginning.

At this time of changing conditions, therefore, it may not be inappropriate or unprofitable to glance at the more salient features of the two periods that seem to have passed into history, and to examine, with more fulness, the present trend of Southern political affairs.

I.

We shall rapidly pass over the Reconstruction Period, but not so rapidly as to leave unnoticed the fact that some of its legacies linger with us, and that to recollections of this period are due the few traces of sectional animosity that yet exist in the South. Of the great war, when brave men met brave men in open battle, it can be truthfully said that its memories arouse no bitterness; but this is not true of that later period when the victors—thousands of them in a spirit of mistaken philanthropy, many of them carelessly and thoughtlessly, some with malice aforethought—

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allowed a race only a few generations removed from African barbarism to take the reins of government into its own hands, and humiliate the men and women who had built up the splendid civilization of the Old South. If, as a well-known magazine editor said some time ago, "there is no period of American history at once so poetic and so full of the atmosphere of chivalric romance as that which the South saw for a score of years prior to 1860," there is, on the other hand, no decade of our history so dark with foolish blunders and foul wrongs as that which this South saw from 1865 to 1875.

Difficult enough for the Southern whites would have been the simpler task of dealing, without outside interference, with the ignorance and recklessness of the newly-enfranchised blacks. A hundredfold more difficult did the task become, when designing plunderers came and found in negro suffrage a cat's-paw admirably adapted to their schemes. Ignorance and Greed having joined hands, corrupt men might make laws, propertyless men might levy taxes, illiterate men might conduct public school work, characterless men might serve as judges. The plunderers cared not; the blacks did not understand; the native whites could not resist the military force that threatened them. The South of Reconstruction days, like the fabled Prometheus, lay chained and helpless while the vultures preyed on her vitals.

Finally, however, time brought the inevitable readjustment. Failure came to the unnatural and irrational scheme of the extremists, from its inception doomed to defeat, and the white man took again the heritage of his fathers.

II.

But if the story of Reconstruction makes unpleasant reading for the Northern man, it is no less true that the Southerner finds much to humiliate him in the story of the succeeding epoch. Irregular election methods were adopted, demagoguery encouraged, bullyism condoned, politics corrupted.

The negroes formed an unchanging political factor. Whatever the policies of the Republican Party or the character of its candidates, the undivided slave-like support of the blacks was assured, and their numbers gave them the power of the majority in that party. Division of the whites, therefore, the Democratic leaders lost no time in pointing out, meant negro rule. Inde-

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pendent voting was denounced; black solidarity was opposed by white solidarity; bigoted partisanship dominated both races. Even when there was no real danger of negro supremacy, the race question, as the "Baltimore Manufacturers' Record" says, "was often made a pretext to keep the white vote solid, and almost to ostracize those who dared to speak their convictions on economic questions, if against the Democratic organization." It was but natural that, out of such conditions, rings and cliques should spring forth; and so it came about that States sorely in need of progressive leadership found themselves in the grasp of oligarchies that stifled freedom and hindered progress. The South lost prestige in national affairs with both political parties, because she no longer considered questions on their merits, but judged them solely by their relation to the incubus with which she struggled. Such a condition was fatal to statesmanship. In all this period, the South produced no Washington or Jefferson or Marshall or Calhoun or Clay. Such men could not grow in an atmosphere poisoned by such influences, or among a people whose judgment and intellect were kept in subjection by the presence of a negro problem.

Not less demoralizing were the election frauds which bad men practised and good men often thought it necessary to wink at. Mr. Dixon does not mention it, but I have heard the story of that prominent North Carolina minister known in "The Leopard's Spots" as the Rev. John Durham, saying to the men who were telling him how they proposed to overcome the negro majority in his county: "I am a preacher; don't tell me how you are going to win; but, remember, you must do it."

I would not extenuate the evils of election frauds; there is probably nothing in our political life more debasing, nothing that strikes more directly at the corner-stone of our liberties. Without fair elections, as ex-Secretary of the Navy Herbert told his Alabama people recently, "the natural outcome of republican government is discontent, unrest, instability, and finally revolution." But, that the reader may get the proper historical perspective, it should be said in passing that the people of the North, as well as those of the South, have at times excused lawlessness as the means to a righteous or popular end. Subsequently, many election frauds were perpetrated in the South for indefensible purposes; but the spirit which caused the people to forget law in

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their struggle with the carpet-bag leaders, was much akin to that which caused the Massachusetts Abolitionists of the fifties to nullify fugitive slave laws and justify illegal means of helping runaways. Transferred to the South of the seventies and given a genuine insight into the condition of affairs, these brave New Englanders, moved by their old-time temper, would have joined the Southern white man in the desperate measures adopted by him, answering their critics as before with Lowell's words:

> "We owe allegiance to the State, but deeper, truer, more,
> To the sympathies that God hath set within our spirits' core;
> Our country claims our fealty; we grant it so; but then,
> Before Man made us citizens, great Nature made us men."

At the Charleston Exposition a few months ago, an old man—a man of character and intelligence, a Democrat whose breadth of view was shown by his high praise of President Roosevelt—told me of the South Carolina campaign of 1876 that ended the saturnalia of negro rule in that State. "In my precinct," he said, "there was 800 negro or Republican majority, but when the votes were counted it was Wade Hampton who was 800 votes ahead." The old man added, "It had to be done"; and it was clear that he and his co-laborers thought of their work as Cicero thought of his official career, when, asked to take oath that he had done nothing contrary to the laws, "I swear," said Cicero, "I swear—that I have saved the Republic!"

III.

But there is nothing more uncontrollable than lawlessness. To no certain spheres of activity can you confine it; to no certain periods of time can you limit it. It is subject to no law save that of growth: sow the wind and reap the whirlwind. Wink at your election officer's thievery in times of stress and peril, and next you may have election thievery to aid plundering schemes, or to save the rings and cliques to which the election officer belongs. Give rein to mob violence at a time when you think such action justifiable, and you will find your reward in a popular contempt for the restraint of law, a permanent injury to public morals.

So thoughtful Southern people soon came to perceive, if they did not understand from the first, the dangerous nature of these methods of dealing with the negro problem. The South had escaped the Black Peril, to be sure; but the baleful spirit of

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trickery and disorder with which she had leagued herself, and whose aid she had invoked, clave to her with the tenacity of an Old Man of the Sea, haunted and threatened her like another Mr. Hyde grown too powerful to be controlled by Dr. Jekyll. On the one hand, negro rule endangered peace and safety; on the other hand, the demagogue and trickster were a constant menace.

This was the situation when the Southern whites, taking courage from the waning of Northern bitterness, resolved to steer boldly away from the Scylla and Charybdis between which they had been so long held. While baser motives actuated some, it was in this spirit that the South, as a whole, began the work of remoulding its suffrage laws. Very rapid has been the progress of this movement; and now, of the Coast States between Maryland and Texas, only two (Georgia and Florida) have not yet adopted so-called "disfranchising amendments." This, however, is a matter of such recent history, and has been so often explained in the press, that it is unnecessary for me to outline the provisions of these laws or relate the story of their adoption.

What the reader is most interested in is the situation at present and the probable consequences of the new policy.

IV.

The ship so recently launched has hardly yet found herself; the machinery is not yet in good running order. In several States no elections have been held under the new régime, and the dread of national interference has retarded in some degree the coming of the promised good results. Moreover, in some of the States (in South Carolina, for example), the limited legal restriction of the suffrage affords only partial relief, and the old-time Tillmanesque methods remain in force.

Taking a general view, however, the thoughtful observer finds many signs of promise—signs not of a startling or miraculous transformation, but indications of a gradual recovery from our nearly four decades of bondage to the race issue.

First, there are evidences of a healthier public sentiment with regard to dishonest election methods. In this, as in other kindred matters, we cannot expect in a year, nor in five years, complete reform. Fairer election laws have been adopted; but it is not in the letter of the statutes, but in a proper popular reverence for the essence of law, that safety is to be found. That the long-

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standing abuses will be sloughed off with reasonable rapidity, the awakening of the public conscience, or rather the breaking of the fetters that have bound it, clearly indicates.

Not less surely are the people beginning to exercise greater freedom and tolerance in matters political. The men here and there who say to you, "The negro question is out of the way and I shall vote as I please hereafter," are the pioneers. The newspapers are growing more independent, and many that used to accept with well-feigned grace all men and measures bearing the image and superscription of the party authorities now manifest a spirit of stubbornness very disheartening to the bosses. Manufacturers assert their belief in certain political policies and their readiness to break party ties, if necessary, to further those policies. Efforts to resuscitate the race issue (evidently for the purpose of staying the growing spirit of independence) call forth the most emphatic disapproval. In North Carolina, for example, such an effort recently made by the acknowledged head of the Democratic Party in the State, has been coldly received by the Democratic partisan press, and has been plainly condemned by nearly all the independent and the religious papers. This typical comment is from the "*Raleigh Christian Advocate*," organ of the North Carolina Methodist Conference:

> "No, there are thousands of white men throughout the State who are determined to vote hereafter for men and principles rather than by the color line, and the fact might as well be known. They will not have the negro question thrust on them again."

The next noteworthy fact is that men of higher character are to lead our political parties and fill our offices. I might devote much space to this, but the following editorial from the "Chapel Hill News," a Democratic county organ, tells the whole story and tells it with clearness and force:

> "There is no use of winking and blinking and trying to hide facts; it is sure that scores of voters have voted a straight party ticket for years for fear of negro rule. Now that this is out of the way, there is going to be some voting straight from the shoulder, and the man who is unfitted for the position he seeks is going to be left when the votes are counted. It therefore behooves the Democratic party to nominate its most capable men for every position—men who have no ax to grind, men of well-known probity and honesty. Remember these things and watch the vote in November."

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Furthermore, and quite naturally, the removal of the negro question from politics has resulted in better feeling between the races. To illustrate this, let us take the original of the hero, Charlie Gaston, in Mr. Dixon's "Leopard's Spots." Charlie Gaston is supposed to represent, in the main, the present Governor of North Carolina, the Hon. Charles B. Aycock. The bitterness toward the negro that seems to actuate Mr. Dixon and his imaginary hero is not shared by this living, flesh-and blood Charlie Gaston, who, as he accepted the Democratic nomination for Governor two years ago, with a masterly defence of the Suffrage Amendment then being considered, gave utterance to this worthy sentiment:

"May the era of good feeling among us be the outcome of this contest. Then we shall learn, if we do not already know, that while universal suffrage is a failure, universal justice is the perpetual decree of Almighty God, and that we are entrusted with power not for our good alone, but for the negro as well. If we fail to administer equal and exact justice to the negro whom we deprive of suffrage, we shall in the fulness of time lose power ourselves, for we must know that the God who is love trusts no people with authority for the purpose of enabling them to do injustice to the weak. We do well to rejoice in our strength and to take delight in our power, but we will do better still when we come fully to know that our right to rule has been transmitted to us by our fathers through centuries of toil and sacrifice, suffering and death, and their work through all these centuries has been a striving to execute judgment in righteousness. That must likewise be our aim, that our labor."

Again, in his inaugural address last year, he declared:

"The white people owe a high duty to the negro. It was necessary to the safety of the State to base suffrage on the capacity to exercise it wisely. This results in excluding a great number of negroes from the ballot, but their right to life, liberty, property and justice must be even more carefully safeguarded than ever. It is true that a superior race cannot submit to the rule of a weaker race without injury; it is also true in the long years of God that the strong cannot oppress the weak without destruction."

And this man—perhaps the fittest spokesman of the new era in the South—has shown his faith by his works. It was his eloquent appeal for the education of both races, the blacks as well as the whites, that thrilled the recent Conference for Education in the South. Throughout North Carolina, regardless of opposi-

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tion, he has preached the same doctrine. Against all mob violence, too, he has squarely set his face, and perhaps the largest reward ever offered by a Governor of a Southern State was that for a band of Salisbury lynchers which he issued a few weeks ago.

The Southern white man knows that "the negro race," to use Dr. Felix Adler's phrase, "is a child race"; he has always had, will always have, that consciousness of Caucasian superiority called by some "race prejudice." But he does not hate the negro, and passion has been manifested only when the blind partisanship of the blacks has been so manipulated by unworthy leaders as to bring about conditions intolerable to the whites, and no less damaging to the negroes themselves. With the removal of the negro question from politics goes the most fruitful source of bitterness between the races, and there are now brighter prospects for the general acceptance of the generous policy advocated by Governor Aycock.

Another encouraging fact is, that the educational test for voters furnishes an incentive to worthy effort on the part of this child-race—an incentive to labor that will in itself fit the negro to use more wisely that high privilege which, as Mr. James Bryce points out, no other people in all history has ever won save after proving and developing strength and fitness by centuries of struggle for the coveted honor. In North Carolina, since the adoption of our Suffrage Amendment, the increase in negro school-attendance has been very marked; not many miles from where I now write, an illiterate negro, sixty years old, is going to school to qualify himself for voting. Not unreasonable, it seems to me, is the hope that this effort now necessary to obtain the ballot will cause the black man to value it more highly, and that the education secured will enable him to act more judiciously in all civic matters. I know at least one Southern leader, a man who has served his State as Governor and United States Senator, in whom this faith is strong. Talking with the writer a few weeks ago, he said: "The new class of negro voters will act more sensibly than the old. Education and experience will teach them something. I do not think that they will go Republican *en masse,* as their fathers have done. On the contrary, I believe that they will rapidly assume a non-partisan position, and that this policy will keep the negro question from again becoming prominent in politics."

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V.

But what will be the attitude of the North and of the Republican "powers that be" at Washington towards this question?

On this much depends, but I risk the prediction that (excepting, possibly, unfavorable action by the Supreme Court on some non-essential features of these disfranchising amendments) the South will be left alone to work out its own problem; that, as the advocates of the Force Bill failed in the second of the three periods of which this paper treats, so now will the advocates of Congressional attack on this new Southern policy fail—and fail even more completely than did the friends of the Force Bill; for the country has learned much in the last decade, both from the South and from "our new-caught sullen peoples" in the Philippines.

But I must say that there is a considerable element in the South —and in the Democratic Party, moreover—that would gladly welcome Northern interference. These are the agitators, whose political fortunes flourish only when prejudice and passion usurp more or less completely the place of reason and judgment. An attack on Southern suffrage regulations would revive the conditions in which these men delight; it would paralyze the incipient spirit of independence in politics, and again insure for a time the undisputed sway of one party, with the consequent opportunity for machine rule.

A threatening, meddling attitude on the part of the North would help these men; but such men as Governor Aycock, Hoke Smith, and Hilary A. Herbert, who have broader and more statesmanlike plans for the South, it would put at a serious disadvantage. This fact is well illustrated by the Booker Washington dinner incident of last year, of which Governor Aycock said:

> "I am endeavoring to support measures for the education of all children without regard to color. By this action President Roosevelt has hampered and retarded efforts which are being made to educate the negro. He has furnished opponents of negro education with the argument of social equality, which is hard to meet."

It should also be said that this seeming bit of meddling, this seeming recognition of the "social equality" idea by the then untried President, was incorrectly regarded by many as a declaration of hostility to the South, and turned the tide then setting strongly toward Republican policies and the organization of a

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strong minority party in the South. The best government is not possible where the dominant party is conscious that it has nothing to fear from the opposition, and it was this blow to the independent movement that the majority of the Democrats with whom I talked (business and professional men, to be sure, not politicians) regarded as perhaps the most regrettable result of the President's action. This opinion was also expressed by one of the best-known Southern dailies in these words: "The real Southern man and Democrat grieves over it. He would greatly like to see two honorable parties in the South; not so with the groundling and whippersnapper."

I can think of but two other classes besides these Democratic agitators that would be benefited by national interference: (1) Northern demagogues, more desirous of pleasing the rabble than of serving the country, and (2) the baser sort of Republican politicians in the South—members of those organizations criticised by President Roosevelt in his Lyon interview (August 20, 1902) as "existing only for federal patronage and delegates to National Conventions"; "that considerable class of Southern Republicans," as ex-Senator Marion Butler says, "who do not desire to build up a strong and respectable opposition to the Democratic Party, but, on the contrary, really want their party to remain weak that they may have the least possible competition at the federal pie-counter." The influence of this element is doubtless greater than most people believe; the men who compose it realize that conditions which would attract better men to their party would probably end their official careers.

Let us hear the conclusion of the whole matter. The South, beset by perils on right and left, has evolved a new method of dealing with that White Man's Burden which she has borne for more than thirty years—a method that, in spite of appearances of injustice, promises better government, fairer elections, greater political freedom, and more generous treatment of the negro than would be possible were the National Government to compel a return to the policy of so-called unrestricted suffrage. And its interference in this problem that the South is slowly working out, would add only another blunder to the long list of those already made in a spirit of misguided, long-range philanthropy.

CLARENCE H. POE.

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AMERICA MISTRESS OF THE SEAS.

BY CAPTAIN R. P. HOBSON, U. S. N.

THE two facts of the century just closed that portend most for the human race are the rise of Russia and the growth of the United States.

Within these two nations are gathering mighty factors of national power, mightier factors than have yet appeared in the history of the world, factors resembling in general nature but exceeding in magnitude those that brought forth the Empire of Rome and the British Empire—cumulative factors that mark Russia for a military empire destined to throw Rome into the shade, and the United States for a mighty Naval Power toward which the vast power of Great Britain is but a stepping-stone.

In the United States we find elements of power, numbers and vigor of population and material resources, without a parallel in history, together with conditions never yet equalled—maritime frontiers, vast material interests, and sacred principles—which demand the growth of power upon the sea.

In population, the United States is half again as large as Germany, nearly twice as large as the white population of the British Empire, nearly twice as large as Austria-Hungary, and more than twice as large as France. The population of the United States is increasing twice as rapidly as the population of Germany, and three times as rapidly as the population of Great Britain and the other nations of Europe, while it has from twelve to fifteen times the space to expand in, with a richness of soil that would enable the United States to support a population equal to the present population of the earth, without taxing the soil beyond the degree now existing in Europe; and every improvement in transportation and means of intercommunication will cause the United States to draw off more and more the hardy and vigorous people

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of Europe, and thus to make even a greater disparity in the rate of increase.

Moreover, the average American, man for man, is from two to five times as vigorous as the average European. The average American man is an inch taller than the average Englishman, who is the tallest man in Europe, and the average American eats about twice as much strong food as the average Englishman, who is the best fed man in Europe.

In the United States, furthermore, about two and a half times as much is spent *per capita* for education as is spent in England and Germany, which stand at the top of the list in Europe.

The average American wheat-grower produces three times as much wheat as the average English wheat-grower, four times as much as the average French, five times as much as the average German. Similar averages are found in the output of manufactured articles. The output per man in American locomotive works is twice as large as the output in the English locomotive works, which stand first in Europe. The average American wields about 2,000 foot-tons of mechanical energy per day; the average Englishman about 1,500; the average Frenchman and German about 900; and the other averages in Europe are below 500.

There are in the United States nearly 100,000 more members of the international organization, the Young Men's Christian Association, than there are in all the rest of the world combined. If a famine occurs in Russia, or a cataclysm in the Islands of the Seas, the first relief ships sail from American shores. An American army besieging the City of Santiago feeds the women, children and old men, instead of starving these to reduce the city. America, concluding a war with a fallen foe, restrains its fleet and pays twenty millions of dollars, instead of ravaging the enemy's coast and exacting two hundred millions for war indemnity. America, after pouring out blood and treasure, gives Cuba its independence.

Every test goes to show that Americans, with a few generations of free life in a free continent, are already, physically, intellectually and spiritually, a race of giants.

For vigor in warfare, no such manifestations are found in history as were shown in the American Civil War. Though having but 16,000 men in the United States Army at the beginning, the war involved numbers twice as large as the hordes of Xerxes, the

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casualties alone being 200,000 more than there were soldiers altogether in the German armies that invaded France in the Franco-Prussian War. Campaigns in that war, for distances covered and obstacles overcome, have no parallel, except, perhaps, in Hannibal's invasion of Italy; while numerous battle-fields counted percentage losses from three to five times as great as the bloodiest on record, those of Napoleon and Frederick the Great. In the supreme test of individual fighting, as shown by regimental records, there were over five hundred cases in the Civil War where the losses of single regiments in single engagements exceeded the loss of the Light Brigade at Balaclava, and one hundred and twenty-five cases exceeding the record of the German Army in the war with France.

For vigor in naval warfare, no such record exists in the world as that of the American Navy. In the war of 1812, the British Navy was at the zenith of its glory, fresh from the victories of Nelson, having counted an almost unbroken record of 200 victories with European foes. The force sent against America was seven times as strong as the American Navy; eighteen battles were fought, and fifteen were won by the American ships, with losses less than one-sixth the British losses.

In the Spanish-American war, the American Navy simultaneously broke two world records, first with cruising vessels against cruising vessels at Manila, then with armored vessels against armored vessels at Santiago, achieving in both cases a mathematical maximum of fighting efficiency, compassing the total destruction of the enemy without any loss to the victor. The American Navy alone of all the navies of the earth, has never known defeat.

Together with its vast, vigorous population, the United States has unmeasured natural resources, a domain from sea to sea spanning the temperate zone, in richness of soil, the Earth's Garden Area, holding below the soil one-third of the known mineral deposits of the earth, having matchless waterways, the granary, butchery and workshop of the world.

Thus, with a heavy preponderance of numbers, great superiority of vigor, and matchless natural resources, the United States, compared with other Powers, has stupendous elements of world influence.

This world influence can rest only upon sea power. Our frontiers are all maritime. Though Canada is a hostage from the

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British Empire, our contact with that Empire, as with all the World Powers, is the sea. The conditions and mighty forces are wonderfully concurrent for bringing forth naval growth, sure, swift, irresistible.

We have in the United States, 17,000 miles of coast-line, and on this coast-line, and upon the harbors and great rivers leading up from the coast-line, we have built innumerable cities representing accumulations of more homes and property vulnerable from the sea than are found on all the coast-line, harbors and navigable rivers of the continent of Europe combined. Fortifications, mines and torpedoes have been, and still are, useful accessories in coast defence, but they never have arrested, and they cannot now effectually stop, a determined commander of a strong fleet.

The only accident policy, the only insurance, the only adequate guarantee of security, for all this property, for all these homes, upon which depends the happiness of so many millions of American citizens, is the Navy; and the prosperity of the inland population is inseparably bound up with the prosperity of the coastwise populations. Moreover, without adequate protection, this exposed side of the nation would be a standing invitation for attack from nations jealous of our commercial ascendency.

Estimating legitimate naval requirements from coast-line exposure, the Navy of the United States should be the largest in the world.

Besides the largest amount of coast property, the United States has the largest amount of water-borne property exposed to attack from the sea, billions upon billions in coastwise, river and lake trade, and exports now the largest in the world, exceeding $1,500,000,000 annually. When we are at war, the Navy only can prevent blockade of our ports, and insure the departure of this property; the Navy only can give safe convoy or a clear road for passage. When Europe is at war, the Navy only can insure our rights as a neutral, and permit us to realize the security of our isolation, and render us, in fact as in word, independent of European turmoil.

Estimating legitimate naval requirements by the quantity of exposed water-borne property, the Navy of the United States, again, should be the largest in the world.

But the huge figures of $1,500,000,000 of American property

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now shipped annually over the seas, is only an introduction to the coming importance of over-sea markets. With the differentiation of labor and the increasing necessity for free exchange of products, the national importance of foreign markets is, in a general way, proportional to the productiveness of the nation, notwithstanding the importance of the home markets. With the United States now producing one-third of the world's foodstuffs, one-third of the world's mineral products, eight-tenths of the world's principal article of clothing, while she stands but on the threshold of her possibilities of production in these fields; with the United States now employing more mechanical energy than all Europe combined, and now producing $12,500,000,000 annually of manufactured articles, more than the combined manufactured articles of Great Britain, Germany and France, while its rate of increase of manufactured articles is twice as great as the rate of increase in Europe; with the United States thus advancing by leaps and bounds, and already almost at the point where it will produce as much as all Europe combined, the matter of foreign markets, important for all the nations, is of supreme importance for us.

While the domestic markets of the other great Powers offer an inviting field, they are subject to embarrassment by local legislation. The markets of most importance for all the great nations are the new markets of undeveloped lands, where all may have an equal chance. These markets are of vital importance to a nation making such giant strides as the United States is making in industrial and commercial expansion. In the fierce and fiercer-growing competition of the great Powers for advantage in new markets over the seas, where the local people themselves can make but feeble show of power, the security of the nation's interests can rest only upon the nation's fleets.

To emphasize the far-reaching importance of this question, take the case of the new market of China. From long experience in the reconstruction of the gunboats raised at Manila and reconstructed at Hong-kong, I can testify that the industrial capacity of the Chinese is scarcely below that of Americans, while from careful investigation I should estimate the average wages of a hard-working man in China at less than six cents a day. These two facts have a momentous significance. China will be opened up. The disturbances which drew the attention of the world and which were the occasion of opening the eyes of the soldiers sent

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there as to conditions existing in the Orient—who, in turn, spread the knowledge broadcast over all parts of the world—will but accelerate a movement already rapid; and soon we shall see more than one-quarter of the human race double, then quadruple, then increase tenfold, then twentyfold its productiveness, demanding, as the standard of life rises with the rate of wages, double, quadruple, then tenfold, then twentyfold more products from the rest of the world. The history of the world does not record a parallel to the magnitude of the economic impulsion that will be felt, an impulsion overtopping that felt in the Renaissance and at the discovery of America.

In this coming market of China, the United States has an incontestible right to an equal chance. Moreover, lying, as she does, midway between Europe and Asia, with the Atlantic and Gulf coast-line and the Mississippi Valley to be brought by the Isthmian Canal, along with the Pacific Coast, face to face with the Orient, and being the pre-eminent producing nation with a natural elasticity and adaptability, she should with a fair chance and no favor hold control in the Chinese market.

Over this field, fraught with so much of vital interest, there is a danger line. China herself can offer no resistance to aggression. The European nations, which fought long and bloody wars for the American continents that offered only virgin resources, and for India with its slothful population, will strive for control in China, where, with unmeasured virgin resources, there is an ocean of wealth in the industrial population. Protestations and treaties to the contrary notwithstanding, the European nations will have a steady set toward the seizure of China.

History shows that the conquering nation invariably absorbs the commerce of the conquered. Promises of an open door will not suffice. Our recognized rights to an equal chance in China's markets can rest in security only upon a strong policy that will not permit the partition of China. For such a policy, the United States must rely on herself alone, and must maintain in the Far East a comparatively large fleet.

Similar conditions hold for the important coming markets of South America, markets of the present and immediate future, and of the more distant though not overdistant future when European and American immigration will develop a second America.

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Generally, similar conditions hold for all the other new markets of the world; and we may say broadly, for all over-sea markets, that the security of America's trade interests must depend upon the size of her fleets. Having interests great and wide-flung, and increasing more rapidly than those of any other nation, the United States should have the greatest navy in the world. Here again, our insurance against attempts to invade our rights, and thus for the security of our peace, will rest upon the size of our Navy.

Thus, from considerations of material interests far-reaching and vital to our country's welfare—considerations that involve the security of our coast, the protection of our water-borne commerce, the safeguarding of our rights in foreign markets and new markets, our interests in each of these cases being larger than those of any other nation—from each and every consideration of material interest upon which the legitimate size of a navy should be computed, the United States should maintain the greatest navy in the world; indeed, the size being proportioned to her needs, the Navy of the United States should be almost equal to the combined navies of the world.

But material interests are not the only considerations that should prompt the United States to maintain a great navy. We have sacred principles committed to our charge which can be upheld only by a great navy.

We have not receded one step from the Monroe Doctrine of our forefathers, yet South America is as far from us as it is from Europe. When the race for South-American markets becomes close, and when the growing European immigration to South America becomes stronger and more controlling, we can maintain the Monroe Doctrine there, and be guaranteed against an assault upon it, only by being able to send to South America as large a fleet as Europe could send.

But Americans now living have a greater Monroe Doctrine to uphold. We may differ among ourselves in judgment as to methods adopted and to be adopted with the Philippine Islands; but no earnest American would willingly see his country stand aside and allow those 10,000,000 of helpless people, now committed to our charge, to pass under the yoke of a European monarchy. In other words, the Monroe Doctrine has already crossed the Pacific and to-day covers the Philippine Archipelago.

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Yet, the Philippine Islands are more than 8,000 miles away across the seas. How can we, a nation of action that means what it says, how can we fulfil our bounden duty of protection for the Filipinos except through a strong Navy?

But in principle the Monroe Doctrine should have wider extension, an extension limited only by our nation's opportunities and possibilities for world influence. The white race, in possession of the truths of science and the forces of nature, now controls the destinies of the yellow and black races, though these number nearly three times the entire white race. In the action of the great white nations, controlling the happiness of these hundreds of millions, the United States should have a strong and determining influence. Would it not be selfish and cowardly in us to stand off and see the destinies of these myriads of helpless people dominated by the harsh methods of European monarchies and despotisms?

No man liveth unto himself, neither does any nation; no individual enjoys a blessing without a concurrent responsibility to his fellows, neither does any nation. With nations as with men, Heaven requires works proportionate to talents and opportunities.

We are the only completely liberal nation of the earth. Europe has been evolved by series of conquests, the processes of which have left its society stratified, men and women living and dying where they are born, the vast bulk being born peasants. We have been evolved by free processes only, never ruling over others, and never being ruled over ourselves, producing in our body social and body politic a homogeneous medium, in which men and women rise and fall and seek their levels, according to their relative weights, according to individual force and usefulness, according to individual attainments and worth. Being the only completely liberal nation of the earth, we are constituted the champion of free institutions, and the advocate of human liberties for the whole earth.

It was no mere chance that planted the foot of America at the Gateway of the Orient, the habitat of the teeming millions. Our forefathers laid down the Monroe Doctrine when they numbered less than 10,000,000 of population, shortly after our shores had been invaded. Now, with more than 80,000,000 of population, having passed beyond the point where any nation or combination of nations could invade our shores and threaten the nation's life,

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with unparalleled elements of power and influence, I do not believe I over-estimate our enlarged responsibilities, or over-estimate our possibilities of realizing practical world policies, when I say that Americans of to-day should extend the Monroe Doctrine to cover the Empire of China. We have a perfect right to say that China shall not be partitioned. In addition, I think we should say to the Powers of Europe, "We will join you in opening up China. It is best for China and for the world that life and property should be secure and Western methods have free course throughout that empire; but we propose that China shall be opened up as Japan was opened up, by the American method—not as India was opened up, and as Africa is being opened up, by the European monarchical method, that involves the conquest and subjugation of the peoples."

Further, without venturing to intermeddle with affairs of others, I believe we should extend the Monroe Doctrine into an American Doctrine that would exert influence and lend a helping hand to all the less happy peoples of the earth, creating and exerting powerful influence for the oppressed of all lands, and for all the yellow and black peoples as they come under the dominion of the white race—a doctrine that would exalt the idea of responsibility and duty, making the best interests of these peoples the guiding purpose of the great nations.

In advancing such a doctrine, we should render a service not only to the belated races themselves, but to the white nations and the world at large, ourselves included, increasing the industrial productiveness and thereby the commerce of the world, and adding to the intellectual and spiritual progress of the races, which would be a moral asset for the world.

Further, we are the only innately peaceful nation of the great Powers. The European Powers are organized for invasion and for repelling of invasion, the nations constituting great military camps, where war and warfare, the military and militarism, permeate and mould the minds and character of the peoples. In America, the contrast is complete; with no wish for conquest, no dread of invasion, free from the military, Americans are engaged in and absorbed by the useful pursuits of peace. Indeed, the absorption of individual business is so complete and personal liberty is so secure, that the citizens forget public affairs—this forgetfulness constituting, in fact, an incidental weakness from

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which flows periodically bad government in the cities and slackness in our national purposes, especially our foreign policies, a weakness that should be reduced to a minimum by every thoughtful citizen making it a point, whether entering politics himself or not, to take an interest in public affairs.

Being the only fundamentally peaceful people of the world, we are constituted the advocate and champion of peace for the world.

Moreover, in championing peace as in championing free institutions, we should render a service to the world, including ourselves. War that would injure the British Empire, with which we have $800,000,000 annual commerce, would injure us in injuring our market; similarly, war that would injure France would injure us; war that would injure Germany would injure us; an injury to any part of the human race would be an injury to us and the whole race.

In addition, engaged in peaceful pursuits, we learn to appreciate and respect the rights of others, and are coming more and more to recognize the principle that advantage as well as right lies not in injuring one's neighbor, not in reducing his happiness, but actually in helping him and adding to his happiness—that an increase of happiness for any citizen is an asset for the community, that an advance in the welfare of any people is an asset for the world. With our wonderful system of government, too, where each unit retains control of the affairs of the unit and participates in the common affairs in the measure warranted by its interests involved, we are evolving the only system which can be extended indefinitely, and which can lead to a brotherhood of the nations in which they could live in peace with each other, each attending to its own affairs, having only its just weight in the common council, while endeavoring not to injure other nations, but actually to help them as much as possible.

As pointed out above, the world influence of our country must rest upon the Navy alone; it is only through a great Navy that we can extend our Monroe Doctrine to China, through it alone can we give effect to our general advocacy of free institutions, to our advocacy of peace and of the brotherhood of man. Our forefathers and fathers were nobly engaged and showed a splendid devotion when they colonized our country, won its independence, founded the government, perfected its institutions and perpetu-

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ated the nation. Our country has now graduated, and we of this generation are called upon to shape its course as it steps forth into the world to play its part as a World Power, to inaugurate its career of world service. We should be unworthy of our inheritance, did we not lay out and seek for our country a mighty and beneficent rôle, to fill its majestic and glorious opportunities and possibilities for useful service to mankind.

For this glorious rôle, that we should all covet for our country, for fulfilling our sacred duties as a nation, we must maintain a great navy.

To meet these demands of sacred principles that appeal to the conscience, as for those of material interests, the United States should have the largest navy in the world; indeed, the proportions would not be strained if the Navy of the United States equalled the combined navies of the earth.

Furthermore, conditions are such in the world, with the great European nations holding each other in check, one Power against another, one alliance against another, that the United States with a mighty navy can hold the balance of power for the world, and can cast the deciding vote in the councils of the nations where world policies are determined, where questions of war and peace are considered. It is hardly overstating the case to say that, with a dominating navy, the United States can dictate peace to the world and can wonderfully hasten the reign of beneficence in world policies.

Let all earnest men and women, who wish for the reign of peace and good-will on earth, realize the fact that, though Hague Conferences and International Peace Societies are useful, the real practical way to hasten this reign is to place control in the hands of the nation of peace, the nation of liberty, the nation of beneficent promptings; let them realize that the United States Navy, which alone can give control to the nation, is thus the bulwark of human liberty, the agent of peace, the instrument of brotherly love.

No one need have apprehension as to the effect on our institutions of having a great navy. No navy ever overthrew any government in the history of the world. With a navy equal to the combined navies of the earth, the numbers of citizens involved would be but a little handful out on the sea, and however strict in discipline and military methods they may be among themselves,

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the body of the nation would remain unaffected. There could not be the slightest tendency toward militarism; while the accompanying sense of power and of control would but deepen, in the minds and hearts of men engaged only in peaceful pursuits, the feeling of responsibility, quickening the nation's conscience, advancing the nation's moral development. Indeed, noble efforts for other nations and for the world would be a wholesome tonic for our nation. Breathing the purer air of such an exalted station would quicken the pulse of the nation and send a brighter, stronger current to eliminate morbid germs from all the tissues of the body politic, offsetting tendencies toward commercialism and materialism.

It is of momentous significance that naval power can go hand in hand with complete liberalism, the struggle for supremacy being simply a race for wealth. Here the liberal nations, in which productiveness is the prime incentive, where the population remains in productive pursuits, will hold the controlling advantage. It is naval power that ultimately will give control to the useful and the good, that will give the earth's inheritance to the meek; naval power is the agency for regenerating and redeeming the world.

The resources of the United States, as pointed out above, are so stupendous that if our Navy equalled the combined navies of the earth, the American tax-payer would not be conscious of even the slightest burden, and in the practical work of building ships and preparing them, and organizing a navy, there are no evidences that any nation has greater aptitude, and our shipyards have already the necessary capacity.

While there are thus paramount reasons why we should be the greatest of naval powers, we are to-day only the fourth power, having 550,000 tons of warship displacement. Great Britain has 1,800,000 tons; France has 715,000 tons; Russia has 20,000 tons more than we have; Germany is but little below us and has recently authorized a vast increase, equivalent to doubling and trebling her entire naval force. The other Powers have also undertaken large programmes of construction. At the session of Congress before the last, not a single new ship was authorized. I do not believe the people know this. I believe they wish and will demand, irrespective of party, that every session of Congress make adequate, sure, consecutive appropriation for increases in ships and personnel.

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When we recall that it takes three years to build a battle-ship, while an enemy's fleet can leave Europe and appear on our shores in two weeks, when we remember that our naval insufficiency is a constant danger to our peace, while such vital interests are at stake, we cannot fail to recognize the urgency of the situation. We should set forth at once with a steadfast purpose and a carefully thought out progressive programme. It is better to lay out a programme on the basis of appropriation for new construction, rather than a set list with fixed types and numbers, leaving the Navy Department to determine each year the types, and the numbers of each type, to aggregate the proposed appropriation. Taking account of the situation and conditions now existing, I would suggest the following programme,—to start with the appropriation made at the Congress just adjourned, about $30,000,000, and make an increase of $5,000,000 for next year, or $35,000,000 altogether for 1903, and increase this amount by $5,000,000, or $40,000,000 altogether, for 1904, and so on, increasing for each year by $5,000,000 the appropriation of the previous year, making for 1905, $45,000,000; 1906, $50,000,000; 1907, $55,000,000; 1908, $60,000,000; 1909, $65,000,000; 1910, $70,000,000; 1911, $75,000,000; 1912, $80,000,000; 1913, 85,000,000; 1914, $90,000,000; 1915, $95,000,000; 1916, $100,000,000, and so on, till we become the first naval Power. If the European nations continue to build along their present lines, I estimate that we should overtake Great Britain about 1920, when, at the rate indicated, our naval appropriation for new ships would be $120,000,000. The probabilities are strong, however, that the Powers will accelerate even their present rates of increase, and we could scarcely expect to reach the top before 1930, when the annual appropriation would be $170,000,000 for new ships.

Pursuing this course, we should prevent Germany from passing us and should ultimately convince even Great Britain that she cannot remain in the race.

Of course, there is a chance that some Power or combination of Powers may endeavor to deal us a staggering blow before we have gathered full speed. For such a case, we should be prepared to accelerate to any required extent the momentary speed of increase. We cannot ignore in this light the gigantic efforts now being put forth by Germany. It is only a dictate of prudence for us not to let Germany pass us. It is possible, too, that our world

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interests and the principles we stand for may gradually cause Continental nations to make combinations for the purpose of checking us. We should be alive to any such movement and prepared to make efforts in proportion.

It may be remarked, however, that any present or future effort of a single nation or combination of nations to strike at America's naval growth would but hasten the day of America's naval supremacy. The conditions for supremacy now exist. Mighty forces are at work. The most potential nation in history, standing upon the strategic vantage-ground of the world, with unparalleled equipment, is being called upon by the strongest demands of interest and the most imperative appeals of duty. Like the cumulative processes of nature, the movement will be irresistible. It cannot be checked. The finger of fate is pointing forward. America will be the controlling World Power, holding the sceptre of the sea, reigning in mighty beneficence with the guiding principle of a maximum of world service. She will help all the nations of the earth. Europe will be saved by her young offspring grown to manhood. The race will work out its salvation through the rise of America. I believe this is the will of God.

R. P. Hobson.

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A GENERAL STAFF FOR THE ARMY.

BY BRIGADIER-GENERAL WILLIAM H. CARTER, ACTING ADJUTANT-GENERAL OF THE UNITED STATES ARMY.

AMERICANS can never be brought to admit that any other war can equal the Civil War from 1861 to 1865; yet, there was so great a lack of coherence in the management of affairs during that conflict that a committee of Congress sat almost continuously "investigating the conduct of the war." The War with Spain brought forth in a marked degree dissatisfaction with the methods of army administration; and so widespread did this feeling become that the President felt compelled to assemble a board of distinguished gentlemen to investigate the conduct of affairs during that war. The report of this commission is quite voluminous; but, as should have been expected, the commission was unable to fix responsibility with such accuracy as to admit of applying a proper remedy under our existing system. It may be fairly stated that its findings indicated that in some instances there had been a lack of foresight in preparation; in some, a division of authority which made it impracticable to fix responsibility; and in others, indications of the necessity for the consolidation of certain functions which most nearly affect the comfort and success of troops in the field. To quote from the findings of the board:

"For many years the divided authority and responsibility in the War Department has produced friction, for which, in the interest of the service, a remedy, if possible, should be applied. The Constitution makes the President the Commander-in-Chief of the Army, and he cannot transfer that authority to any other person. The President selects a Secretary of War, who is his confidential adviser. The President must have the same power of selection of his General-in-Chief as he has of his Secretary of War; without this there can be no guarantee that he will give, or that the Secretary of War will place in the General-in-Chief, that confidence which is necessary to perfect harmony. Neither

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the President nor the Secretary of War should have in command of the Army an officer who is not working in harmony with him."

This is the opinion of a board composed of intelligent gentlemen, all of whom had seen service in the Civil War on one side or the other. Their opinion, just quoted, contains the essence of thought which has guided many students of our system to the belief that a General Staff, with a Chief who shall stand between the Secretary of War and the army at large, including the various staff and supply corps and departments, is the substantial element of that reform which is necessary to put the American army upon a proper basis for the successful conduct of any great war.

After the close of the Civil War in 1865, the necessity for immediate and continuous retrenchment in the expenses of the government brought about a centralization of affairs in the War Department, which has loaded down every officer employed there with administrative paper work beyond the average capacity. This system, on the one hand, not only deprives the Department and the Army Commanders of much of that general control which should be left to them, but, on the other, it leaves the officers at the War Department, overwhelmed as they are with routine matters, little or no opportunity for the consideration of very important questions requiring their decision.

There has been for many years general dissatisfaction, amongst progressive and intelligent officers of the army at large, with the administrative methods of the War Department, and many undigested essays have been written, based on the theory that centralization is responsible for every trouble. The system fulfilled sufficiently well its functions during the early period of our government, but it is not prepared for the strain of a great modern war. Although not analogous, the history of many of our great corporations is available for comparison sufficiently pertinent to justify the belief that they furnish argument for the existence of a General Staff.

In our early history, when railroads were constructed with a view to uniting adjacent towns, they needed only honest management and technical skill; but when they were merged into great systems controlling thousands of miles of track, and dependent upon freights from far distant territory, forced to consider the varying conditions of agriculture, manufacture and navigation, it was no longer enough that they should possess skilled engineers

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and accountants, but it became necessary to the life of these systems that they should be controlled by directors,—groups of men whose principal work was to observe rival lines, to consider State and local laws, and to prepare their systems to derive all possible advantage from future growth of contiguous territory. The duties of these directors and other functionaries of the great railroad systems, who do the thinking for these vast corporations, are very nearly akin to those of the proposed General Staff of the Army. With large corporations and trusts, success depends upon wise fore-thought and a right application of economic principles. Rate wars do not resemble real war, for they are never based on questions of national honor; on the contrary, they are usually senseless, extravagant, wasteful in the extreme, and finally end where they should have begun—in arbitration.

The business of the War Department, which in proportions exceeds that of many of the largest trusts or corporations of the world combined, is managed upon an entirely different plan from that pursued in any private concern. All appropriations are based on estimates laid before Congress. The fact that the appropriations are specific prevents any efforts at taking advantage of a low market, since all purchases in large quantities must be by contract after public advertisement. This assures all citizens a like opportunity to share in government purchases. A watchful Comptroller and many auditors sit in judgment constantly over all accounts; and, notwithstanding the ponderous system and its utter lack of elasticity or adaptation to a state of war, it must be admitted in its favor that, considering the enormous amount of funds disbursed through the Treasury, there is and always has been a notable absence of great defalcations and scandals.

That the army itself recognizes the necessity for some reorganization of its staff system is best made known by the statement that the Military Service Institution, of which the Lieutenant-General was president, offered, as the subject of its prize essay for the year 1900, "The Organization of a Staff best adapted for the United States Army." The prizes for the best essay included a gold medal, a certificate of life membership in the Military Service Institution, and $100 in cash. The gentlemen chosen to constitute the board of award for the essays were General John M. Schofield, General James H. Wilson and Professor G. J. Febiger. This fact is cited here because, when the bill known as the

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"General Staff Bill" was before the Congress at its last session, opposition was aroused against it on the plea that it was an attempt to Germanize our army, notwithstanding it had been the subject of this public essay competition, and, so successful was this attack, that an intelligent discussion of the objects of the bill was not possible at the time.

Any reorganization of the Staff of the Army without the introduction of a General Staff is doomed to failure. The need for such a corps in the army is a natural one, but a General Staff cannot be brought about by a gradual growth, as has been the case with many other departments of the Government. The present administrative system is the result of gradually installing bureau chiefs in the War Department, to each of whom were assigned specific duties which have been added to from time to time by special legislation on appropriation bills and otherwise, until each bureau is hedged about by certain inelastic laws which, at times, hinder and embarrass the wheels of the administration to the detriment of the army as a whole. Many of the functions devolving upon General Staff officers in other countries are, and have been, performed in our country by officers of various staff bureaus and of the line, but these duties do not properly pertain to any particular corps or department; the performance of them being needful to the wellbeing of the service as a whole, they have been placed from time to time on the most available men. Were it possible to extend this method and select those with the most aptitude, much good could be done; but full and complete success of a General Staff system cannot be expected without legislative action. The crying evil of our whole administrative system in the past has been that no central authority, except the Secretary of War, has ever been empowered to direct the manifold interests in the hands of the various staff bureaus. It is not contended for a moment that the German General Staff system is applicable to the United States army. On the contrary, it may be stated most emphatically that it is not so applicable, for the reason that, in the German system, the General Staff and the Generals commanding the troops form practically an interchangeable body, which is feasible only because Germany maintains a great army in peace as well as in war. With us few Generals are in active service in peace, compared to the great numbers which would be appointed in event of a war of ordinary magnitude.

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The scheme of a General Staff proposed for our army contemplates that the Chief of Staff shall take his place between the Secretary of War and the army as a whole, line and staff both included. General Schofield, who has had wide and varied experience, and who has given the question much thought and study, testified before the Commission which investigated the War with Spain that:

"Recent experience has served to confirm all the results of my life-long study and large experience, that the proper position for the senior officer of the army on duty at Washington is not that of Commanding General, a position which is practically impossible, but that of General-in-Chief, which means in fact Chief of Staff to the President."

No intelligent person can study our system without forming the conclusion that, in time of great peril, when it is too late to give to questions of great moment the study and research which they deserve, our practice has been to throw the burden upon Congress. This burden usually falls upon that body at a time when its members cannot give the subjects the careful consideration which they ought to have, and the result is that the statute books are filled with ill-digested legislation relating to the army. If the General Staff system, or one similar to that proposed for the army at the last session of Congress, be inaugurated, it would not be many years before the careful study of selected officers would evolve a sound and practical system which would enable us to prepare in peace for war as we have never done before. Any attempt to establish a General Staff system without first changing the office of the Commanding General of the Army will fall short of success.

It is impossible to present the economic features of this plan, because we have no basis for calculation in detail; but enough is known to justify the prediction that a properly organized General Staff, possessing the authority of law for its existence, could arrange in advance of war the mass of details with reference to distribution, transportation and mobilization of armies, and the establishment of supply depots, in such a manner as to effect a vast saving of men and material. These things cannot be properly done by officers already overburdened with routine work.

While the Chief of General Staff would be the Chief of Staff to the Secretary of War, and stand as an adviser between him and

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the chiefs of bureau and the various army commanders in the field, he would also have direction of the employment of General Staff officers. These functions cannot be performed by the Commanding General of the Army under the present system. Every Commanding General has encountered similar obstacles in his conduct of affairs, and they are inseparable from our unbusinesslike arrangement. Many of these complications arise from the fact that the finances of the army, which are administered by the various staff bureaus, are wholly within the jurisdiction of the Secretary of War; and it is hardly within the limits of possibility that Congress will ever enact a statute which would remove them from his control and turn them over to the Commanding General of the Army.

The responsibility for success in battle must ever rest with the Generals commanding the various armies in the field. It would be idle speculation to endeavor to show how many reputations would have been saved to General officers had the army been possessed of a well-trained body of General Staff officers, whose duty required of them the preparation of all the information desirable for a Commanding General undertaking a campaign. It is not claimed that a General Staff will prove a panacea for all the misfortunes which may overtake a nation engaged in war; but, certainly, history has shown in a multitude of instances that previous preparation for war tends to abbreviate the period of active hostilities, and thereby to effect a saving of millions.

Through the agency of a General Staff, military and political policies may be harmonized as becomes our form of government; and all the bureau chiefs of the War Department, the proper performance of whose functions has more to do with the success of war than the average layman can possibly comprehend, would be brought into line and work more coherently and to a common purpose. Under the present system, it is quite possible for a bureau chief to work along his own lines in ignorance of what the other bureaus are doing,—a possibility directly contrary to economic and business principles.

The duties of a General Staff Corps consist in peace, to a great extent, of bureau work—including the preparation of maps, the drawing up of schemes for the organization and concentration of troops, the formation of plans for the national defence, and a study of the higher military science to keep pace with modern

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conditions. The soldierly spirit, informed by experience of actual service with troops, must ever be the actuating impulse of such an organization, and for this reason all officers of such a corps must return periodically to service with the line. Any system which in peace allows the officers of the General Staff to degenerate solely into bureau officers, will cause them to forfeit the respect of the line of the army. It is on that account that a sufficient number must be maintained in such a corps to furnish ample details both for office work and for duty in the various branches of the army, interchanging from one kind to another at frequent intervals.

Above all else, the personnel of a General Staff Corps should be selected with reference to ability, and without any suspicion of favoritism. To organize a new corps at once will involve the necessity of detailing well-equipped officers from the army at large. All subsequent additions to the Corps should come by selection from those officers who have distinguished themselves in the various courses of instruction provided for the younger officers. Favoritism might sometimes help an individual, but a properly wrought-out scheme would make it absolutely necessary that, before being appointed to the Corps, an officer should display sufficient talent to justify his being placed amongst a thoroughly trained body of ambitious and competent men.

There is a widespread opinion that influence is more potent than trained talent and fitness. Republics do not differ much from monarchies in some things, and it is Utopian to expect, under any form of government, a system which will always put the best man in the right place, with or without influence. It is safe to say, however, that the common idea as to the success of influence in forcing men to the top is greatly exaggerated. It would be a grave misfortune to the army if this opinion were to fasten upon it. The officer who accepts his commission with a determination to fit himself thoroughly for each grade as he progresses in the army, and for as much more as lies within his power, and who performs his duties in a conscientious, intelligent and forceful manner, is more apt to rise in the estimation of his superiors and his fellows than he who performs only the duty required of him and that in a perfunctory manner. Fortunately for the country, it is considered discreditable among the great body of army officers for one not to be thoroughly posted in his professional duties. All that is needed to enable the country to

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keep up this spirit, is to give it recognition and encouragement as far as lies within the limits of law.

One of the most serious questions which would arise in the establishment of a General Staff is: In what manner should effect be given to the determinations reached by such a body of officers on various questions affecting the army? It ought not to be necessary to state that officers of the General Staff serving with commanders of troops do not control them in any manner whatsoever; that they are detailed as staff officers of the various Generals to furnish them with information; to assist them in the preparation of their detailed plans and orders; and to relieve them from as much labor as possible, in order that the Generals may devote themselves to the higher questions of command and make success more probable. How much more intelligently can a Commanding General act in a theatre of campaign which has received the careful study of the General Staff, if he has an officer of that corps at his elbow who can elucidate and explain the situation upon which orders for the movement of supplies and troops may be based, than the same General can do if dependent upon his own efforts and those of the ordinary staff with which he has suddenly been surrounded at the outbreak of war, and of whose qualifications he is, to a certain extent, ignorant!

With a General Staff in existence, important matters which require investigation and grave consideration will be cared for by a body of selected and highly trained officers, whose time will not be frittered away with routine affairs, and whose opinions, therefore, will be based upon systematic examination and mature thought. We will then be justified in expecting to escape the evil result of such imperfectly considered action as often characterizes much of the business now done under the present system, and which must continue to be so done until a radical but perfectly feasible reorganization takes place.

WILLIAM H. CARTER.

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THE PUBLIC DEBT OF THE UNITED STATES.—I.

BY O. P. AUSTIN, CHIEF OF THE BUREAU OF STATISTICS OF THE UNITED STATES TREASURY DEPARTMENT.

THE National Debt of the United States amounted, on July 1, 1902, to $1,328,031,356. Of this sum, $931,070,340 is "interest-bearing debt"; $395,680,156 "debt bearing no interest"; and $1,280,860 "debt on which interest has ceased since maturity." The interest-bearing debt, speaking in round millions, consists of $19,000,000 in 5 per cent. bonds redeemable in 1904; $233,000,000 at 4 per cent. redeemable in 1907; $135,000,000 at 4 per cent. redeemable in 1925; $97,000,000 at 3 per cent. redeemable in 1908; and $446,000,000 at 2 per cent. redeemable in 1930. The debt bearing no interest consists of $346,000,000 of United States notes, commonly known as "greenbacks," for which no date of redemption is fixed; $42,000,000 of funds deposited by national banks going out of business, with which the government is to redeem their notes whenever presented at the Treasury for redemption; and $6,000,000 of fractional currency issued during the Civil War, of which probably less than $1,000,000 will ever be presented for redemption. The debt on which interest has ceased since maturity amounts to about $1,000,000 of bonds overdue but not yet presented for redemption. Against this debt there stands in the Treasury $150,000,000 in gold, set aside as a reserve fund for redemption of the United States notes when presented, and an "available cash balance" on July 1st of $208,000,000, or an available debt-paying balance of $358,000,000, thus bringing the "debt less cash in the Treasury" to $969,457,241.

A casual examination of the debt statement by those unacquainted with the mysteries of Government bookkeeping, might give a different and widely erroneous impression of the

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debt figures. The annual statement published in the reports of the Treasury Department shows in one column the "outstanding principal of the public debt" as $2,158,610,445. This alarming figure, however, is produced by bringing into the total all of the gold and silver certificates issued by the Treasury, for which there is deposited in the Treasury a sum exactly equal to the value of the certificates. Therefore, this apparent indebtedness, which is classified as "certificates and notes issued on deposit of coin and silver bullion," and which amounts to $346,000,000 of gold certificates, $454,000,000 of silver certificates and $30,000,000 of Treasury notes issued for the purchase of silver bullion, is, in fact, not to be considered in a statement of the real debt, since the entire sum necessary for their redemption is on deposit in the Treasury.

The simplest form in which the debt of the United States can be stated is that the interest-bearing debt is $931,070,340, the debt bearing no interest, $395,680,156, and the "total debt less cash in the Treasury $969,457,241." This gives an annual interest charge of $27,542,945 and brings the *per capita* of debt, less cash in Treasury, to $12.27, and the annual *per capita* interest rate to 35 cents.

It is worth while, before entering upon a discussion of this debt and its history, to compare briefly present conditions with those of former periods, and also with those in other countries. On August 31, 1865, when the National Debt made its "high water mark," the total interest-bearing debt stood at $2,381,530,294, the annual interest charge at $150,977,697, the debt less cash in the Treasury at $2,750,431,571, the *per capita* debt at $78.25, and the *per capita* interest charge at $4.29. Thus the debt less cash in the Treasury is now about two-fifths what it was at the close of the Civil War, the annual interest charge less than one-fifth, the *per capita* debt about one-sixth, and the *per capita* interest about one-twelfth of that of 1865.

Comparing our debt with that of other countries, it may be said in general terms that the interest-bearing debt of the United States is less than that of Austria-Hungary, Australia, India or Spain; about half that of Italy; one-third that of Russia or the United Kingdom; and one-fifth that of France; while the *per capita* interest charge against the United States National Debt is below that of any of the principal countries of the world,

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except Germany, China, and India, being but one-third that of Russia, one-sixth that of the United Kingdom, one-ninth that of Italy, and one-sixteenth that of France. No other country floats a 2 per cent. bond, while practically one-half of the interest-bearing debt of the United States now stands at 2 per cent., and these securities are selling in the open markets at a premium of 8 per cent. Securities of the principal European nations are, in most cases, issued at from 3 to 10 per cent. below par, while those of the United States are invariably issued at or above par. Another feature in which the debt of the United States differs from that of certain other nations is, that all of its obligations (except the "greenbacks") are redeemable at a fixed date, and that the policy of the government is to cancel all its obligations as rapidly as practicable, while with certain other governments a considerable part of the national obligations are classed as "permanent debt" without date for redemption, the avowed policy being to merely meet the interest thereon as it falls due, but to make no provision for payment of the principal, which is considered a permanent indebtedness.

The history of the National Debt is coincident with the history of the nation. Indeed, it began before the States had arrived at the dignity or cohesive condition of a nation. The very act by which the struggling Colonies freed themselves from British domination and put themselves in condition to form a nation, was of necessity productive of an indebtedness not only large in itself, but extremely burdensome to the handful of people impoverished by a long war and occupying a new and undeveloped country. But they assumed that great burden willingly, and the story of their struggles is the story of the national life and national success.

THE REVOLUTIONARY DEBT AND ITS ADJUSTMENT UNDER THE CONSTITUTION.

The public debt was one of the first and most difficult of the problems which confronted the first Congress under the Constitution. The first Colonial Congress, which met at Philadelphia in 1774, was a body composed of delegates without power to levy taxes, borrow money or perform any functions of government, except to make recommendations to the various Colonies which it represented. The second Colonial Congress, which met at Phila-

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delphia in 1775, assumed that it was not merely a committee of conference but a provisional government, and set about the organization of a military force; and, on receipt of the news of the battle of Breed's Hill, it quickly passed an act which had been some time pending, which authorized the issue of bills of credit to the amount of two million dollars, pledging the Confederated Colonies for their redemption. These bills were worded as follows: "This bill entitles the bearer to receive —— Spanish milled dollars or the value thereof in gold and silver according to the resolution of the Congress held at Philadelphia the 10th of May, 1775." These were issued in sums of from one to eight dollars each, on thick pieces of paper about 3½ by 2¾ inches, and bore on the border the words "Continental Currency." In the following November, three millions more were issued, and other issues followed in quick succession, so that when the Declaration of Independence was made in 1776, fifteen millions had been already issued; and, by the time the Articles of Confederation were formed and the Congress of the Confederacy began its existence in 1780, the issues of the Continental Congress amounted to 241 millions of dollars, and to this the Congress of the Confederation added 96 millions, making the total 337 millions.

Meantime, this currency had greatly depreciated in value, despite the resolutions of Congress that it should pass current and that all persons refusing to receive it ought to be considered "enemies of the United States." During 1776 it passed at about 2 to 1; by the end of 1778 it was about 4 to 1; by April, 1779, 10 to 1; by the end of 1779, 40 to 1; by the end of 1780, 75 to 1; by the middle of 1781, 500 to 1; and by the end of 1781, 1,000 to 1, and then it ceased to circulate. In addition to this, the States had issued paper money amounting, from 1775 to 1783, to 209 millions, some of which had been expended in fitting out their troops and sustaining them in the field; but this maintained a better financial standing, owing to the fact that the States had the power to levy duties, collect taxes, and provide methods for meeting their obligations, which was not the case with either the Continental Congress or that under the Confederation. The Congresses had, however, assumed authority to borrow money and pledge the public faith to its payment; and, owing to the willingness of certain European nations to embarrass England by aiding her rebellious colonies, loans were

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negotiated in Europe between 1777 and 1789 amounting to $10,000,000, about two-thirds of this being in France and one-third in Holland, and a small sum in Spain. Some of these were made direct from the governments and others through individuals but with the assent of the government. In addition to this, Congress had issued loan-office certificates amounting to 67 millions, certificates to persons whose property had been seized for use of the army, certificates in settlement of the claims of soldiers, bills of credit issued to pay interest, and certificates issued by the Register of the Treasury in lieu of other obligations; the total amounting to probably $100,000,000, which, however, had in many cases greatly depreciated.

The problem which confronted the first Congress under the Constitution, when it met in New York, in April, 1789, was how to meet these numerous obligations. After passing a revenue act and appointing a committee to consider steps with reference to the debt, it adjourned to meet in December at Philadelphia. When it resumed its session, Hamilton, the Secretary of the Treasury, made his famous report on the Public Debt, and this became the basis of the act by which the Revolutionary debts were assumed by the young nation. The act as finally adopted provided (1) that the foreign obligations (about $10,000,000) should be paid in full; (2) that those debts of the States which had been incurred in support of the common cause (amounting to about $20,000,000), should be paid in full; (3) that the obligations issued by authority of Congress should be redeemed by an issue of stock for which the old obligations, now much depreciated, and many of them held by persons who had purchased them at far below their face value, would be received *at their current specie value,* and that the greatly depreciated Continental currency should also be received for the new securities at the rate of $100 for $1. The new "stock," as all government securities were then designated, to bear interest at 6 per cent., though on one-third of the sum issued to each individual the interest was not to begin until the year 1800. Stock bearing 3 per cent. interest was also to be issued to the creditors for the sums due for deferred interest payments. No date was fixed for the redemption of the stock, but the Government reserved to itself the right to redeem not over 2 per cent. of the principal of each sum in any one year. This plan was offered as a proposition to the creditors,

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not as an ultimatum, and it was specifically provided that "nothing in this Funding Act shall be construed to alter, abridge, or impair the rights of the creditors of the United States who shall not subscribe to the loan." The proposition was generally accepted, however, by the domestic creditors; while the fact that the plan proposed to pay the obligations to the States and the foreign creditors in full rendered it generally acceptable to these parties. Within two years nearly all those holding the general obligations of the Government had refunded them at their specie value into the new securities, the holders of $168,280,219 of Continental currency had turned it into the Treasury and received $1,682,802 of the new securities therefor, and the adjustment of the accounts between the Government and the States was making satisfactory progress. The amount of stock finally issued in payment of the debts of the Continental Congress and the State debts incurred for the common defence, included $30,088,397 in 6 per cents.; $14,649,328 in deferred 6 per cents.; $19,719,237 in 3 per cents.; total, $64,456,962. In addition to this, there was the foreign debt of $10,000,000 with an accrued interest of about $1,640,000. Thus the young nation adjusted the great load of indebtedness incurred during the War of the Revolution, and started its career with a debt of about $75,000,000.

FROM 1790 TO 1861.

The desire of Hamilton, and indeed of all those at the head of the Government, was to begin at once the reduction of this debt. But this was not easy for a young nation which had just emerged from a long war, and whose people were not yet able to bear heavy burdens of taxation. For a few years it was necessary to "borrow from Peter to pay Paul," and a half dozen loans were made in Holland to meet obligations as they fell due. But the aggregate debt was not increased, and a sinking fund which had been established from the customs revenue kept up the payments of interest and made some slight reduction of the principal. In 1803 Louisiana was purchased for $15,000,000, of which $3,750,000 was to be paid to citizens of the United States having claims against France; this was paid out of the current revenues, and stock was issued for the remaining $11,250,000. This brought the total debt up to $85,349,774, the highest point ever reached prior to the War of 1812.

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Beginning with the year 1800, rapid progress was made in the reduction of the public debt. The revenues were plentiful, and many of the heavy expenditures had been reduced, and so rapid was the decrease of the debt that by 1808 Gallatin, who was then Secretary of the Treasury, was planning a great system of public works to cost twenty millions. But war clouds began to appear, the embargo and non-intercourse acts seriously affected the foreign commerce, and in some of the years between 1806 and 1811 the revenues were not equal to the expenditures. Yet the reduction of the debt had been so rapid and satisfactory that in 1811 it stood at $45,154,189, having been reduced $40,000,000 since the Louisiana Purchase, in 1803.

When the War of 1812 began, Gallatin recommended that the revenues be kept at the basis necessary for all expenses in times of peace, and that the amount necessary for war be raised by loans. The President was authorized to make a loan of $11,000,000 at 6 per cent. Of this, $4,000,000 was subscribed by banks and about $2,000,000 by individuals, which was a larger sum than had ever before been subscribed by individuals in the United States at so low a rate of interest. As no more subscriptions could be obtained, Gallatin recommended that authority be given to issue the remaining $5,000,000 in Treasury notes running one year, drawing 5 2-5 per cent. interest and receivable for all dues to the United States, which was done, and this was the first issue of Treasury notes ever made. The progress of the war was slow and discouraging; and, in the following year, Congress authorized the President to issue a loan of $16,000,000 at 6 per cent. interest, and to sell the stock without any limitation as to price. Agents were appointed to obtain subscriptions and were paid one-fourth of one per cent. for all sales, and subscribers were offered an annuity of one dollar per year for thirteen years on every $100 subscribed; but this only brought about $5,000,000, and finally a large part of the remainder of the loan was sold to Stephen Girard, Jacob Parish, and John Jacob Astor at 88 cents on the dollar, and Treasury notes were issued to complete the sum of $16,000,000.

In the year 1814, the President was authorized to borrow $25,000,000 more without restriction as to price received for the bonds, but he only offered $10,000,000. For these he received offers at 88 per cent., and disposed of the entire amount at that

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rate. Later in the year he offered another loan of $6,000,000, but only about one-half of this was sold, and that at the low price of 80. A market for bonds at home at even so low a rate as 80 cents on the dollar no longer existing, an effort was made to place them abroad, but without success; and Congress finally authorized the issue of 8 per cent. Treasury notes, to be receivable for taxes, dues, and payment on public lands, and exchangeable for stock bearing 6 per cent. interest. Specie payments had been suspended by the principal banks of the Middle States, and while bank-notes still circulated freely within the State in which the issuing bank was located, there was a lack of currency for general use between the States, and it was believed that the Treasury notes would supply this requirement. An act authorizing the issue of $25,000,000 in short-term Treasury notes was passed; but, as it provided that they might be exchanged for stock running twelve years and bearing 7 per cent. interest, a large share of those issued were soon exchanged for the stock and did not enter largely into circulation, and only part of the amount was issued. In March, 1815, the final loan of the war was made, and Dallas, who had become Secretary of the Treasury, refused to accept less than 95 for the stock, but he accepted outstanding Treasury notes as well as cash for it at that price. The result was that about $10,000,000 of this loan was so disposed of. The report of the Ways and Means Committee in 1830, discussing the loans of the War of 1812, says that they amounted to $80,000,000 face value, but that the amount of the money actually received, after deducting the discounts, depreciation, and the exchange of stocks for Treasury notes, was but about $34,000,000. On October 1, 1816, the funded debt of the United States stood at $108,000,000, of which $37,000,000 represented the old debt existing before the War of 1812, and $71,000,000 accumulated during the war; and on January 1, 1817, the funded and floating debt amounted to $123,000,000. The outstanding Treasury notes were rapidly absorbed in payment of taxes, duties, debt and otherwise, and by 1817 only about a half million dollars remained out of a total of $36,000,000 issued during the war.

The recuperative power of the young nation was shown in the years which followed. Congress in 1817 enacted a law requiring that $10,000,000 annually be paid into the sinking fund out of the revenues from duties and sales of public lands, to be applied

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to the payment of interest and reduction of the principal of the debt, and in the same year an additional $9,000,000 was, by act of Congress, transferred to the sinking fund and the commissioners of the sinking fund were authorized to purchase stock at the market price, which then ranged at sixty-five for the 3 per cent. stock and par for the 6 per cent. and 7 per cent. stock. The sales of public lands brought in large sums of money, and the work of reducing the debt moved forward rapidly. The annual payments of $10,000,000 to the sinking fund were regularly made and in some cases a much larger sum; stocks were purchased at the market price, and in the eleven years from January 1, 1817, to January 1, 1828, $146,000,000 was paid, of which $88,000,000 was for principal and the remainder for interest. The improved condition of the finances is shown by the fact that the loan of $5,000,000 for the purchase of Florida was readily made from the United States Bank at only 4½ per cent. interest, and that a loan of $10,000,000 issued in 1824 to take up certain of the war loans of 1812 was also readily placed at 4½ per cent., and that premiums of as high as 4 per cent. were offered by individuals for sections of this loan. By the end of 1832, only $7,000,000 of the debt remained outstanding, and in 1834 the Secretary of the Treasury gave notice that the whole of the unredeemed debt would cease to bear interest after January 1, 1835, and would be promptly paid after that date.

The rapid growth of the receipts of the Treasury and the consequent extinguishment of the public debt were due to the wave of prosperity which had swept over the country, the increased revenue from imports, and the very large receipts from sales of public lands which alone brought in about one-fourth of the total revenues of the Government. The result was that, after the extinguishment of the public debt, the money began to accumulate in the Treasury, and in 1826 an act was passed directing the Secretary of the Treasury to lend to the States, in proportion to their population, all of the money in the Treasury except $5,000,000. The amount available for this purpose at that time was $37,468,819, and the Secretary of the Treasury was directed to distribute one-fourth of this sum in this manner on January 1, 1837, and the remainder at intervals of three months. The first, second and third of these payments were made to the States during the year 1837 as provided by law; but before

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the fourth payment had been made a financial storm burst upon the country. Credit, which had been extended to enormous proportions, suddenly collapsed; State banks, many of which were depositories of public money, failed; importations were greatly reduced, and with this the customs revenues fell; receipts from the sales of public lands shrank to almost nothing, and the revenues of the Government quickly changed from a surplus to a deficit. Congress, when it met in September, quickly repealed the act authorizing further loans to the States, and authorized the Secretary of the Treasury to issue Treasury notes to meet the necessary expenses in excess of the receipts. This was repeated in 1838 and 1839; and on December 31, 1839, the debt stood at nearly $5,000,000. In 1841 came the inauguration of Harrison and Tyler, quickly followed by the death of Harrison, and then by the troubled four years of the administration of Tyler. Several propositions were made during this period of depression to call upon the States to return to the Government the 28 millions of dollars issued to them in the three loans of 1837, but no action was taken, and the money has never been repaid by the States. It is still carried on the books of the Treasury Department under the head of "Unavailable funds: on deposit with the following States, under act of June 23, 1836; total, $28,101,644." Receipts fluctuated greatly, and were almost constantly less than expenditures. It became necessary to raise money, not only to meet the Treasury notes when they fell due, but to meet the deficiencies in the revenue, and a loan of $5,000,000 was made in 1841, one of over $8,000,000 in 1842, and one of over $7,000,000 in 1843. At the end of 1844, the total debt stood at $23,850,673, though by that time the country had again become so prosperous that the revenues equalled and had begun to exceed the expenditures.

In 1846, the war with Mexico again required an increase of the public debt, and the Secretary of the Treasury was authorized to issue a loan of $10,000,000 in Treasury notes or stock, and in the following January to make another issue of $23,000,000 in Treasury notes or stock, but at not less than their face value. For this loan the bids were over $57,000,000, most of them at above par. The following year, another loan of $16,000,000 was authorized; it was advertised just as the war with Mexico was closing, and the entire amount was taken in one day at premiums

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which amounted to $487,168. The cost of the Mexican war was $68,000,000, the increase of debt by issue of Treasury notes and bonds $49,000,000, the difference having been paid out of the current revenues; and the public debt at the termination of that war stood at about $75,000,000.

With the termination of the war with Mexico, the work of reducing the debt was again taken up and rapid progress made. At the beginning of Pierce's administration in 1853, the debt stood at $69,000,000, and by November, 1856, had fallen to $31,000,000. This reduction was so rapid and satisfactory that a reduction in the revenue was made; but this had scarcely been accomplished when another financial crisis ensued, and with it a shrinkage of the receipts of the Government to a point below actual expenditures. This necessitated new loans, and they were made in quick succession, some in the form of Treasury notes, others in stocks. As the political agitation increased and the clouds of civil war began to appear on the horizon, the difficulties of making loans increased, and for a $10,000,000 issue of Treasury notes in 1860 the Secretary of the Treasury, who had been authorized to accept offers at the lowest rate of interest which he could obtain, was compelled to make the interest rate 12 per cent. on nearly one-half of the loan. The interest-bearing debt stood at $65,000,000 on July 1, 1860, and between that date and March 4, 1861, $15,000,000 was added in loans, making the total debt at the date of the inauguration of Lincoln $80,000,000.

(To be Continued.)

O. P. AUSTIN.

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PARIS, TEXAS.

A FIELD FOR INVESTMENT.

Every one is prone to the idea that his immediate location is the axis of the universe and offers the only opportunities.

Especially is this true of the Eastern man in matters financial, and thereby have many fortunes been missed; recent events have brought the man of modern surplus capital to realize that the field of individual investment in the East is much narrowed, not by lack of opportunity, but by the enormous values which require the resources of a syndicate for capitalization.

This is as true of the factory field. The concentration of plants into gigantic combines have so cheapened their production cost as to render hopeless the small individual plant in the same line. In the local field he is undersold, and his business is not of that magnitude that he can make the entire country a market, or, if he could, his output is not of that volume that secures the lowest transportation cost.

Hence for fixed investment or for minor manufacturing the man of $75,000 to $250,000 capital can no longer operate in the East unless he becomes a stockholder without control in a many-millioned syndicate or combine.

To the man of moderate means wishing to preserve his individuality there is a field, promising, safe, and sure, in the great Southwest, and of this Southwest Texas is nearly the "whole thing."

The loan companies discovered this years ago, and their records show that for gilt-edged safety there is nothing better than a Texas mortgage; other sporadic individuals have also learned this, and made money by interests in banks or factories or by realty purchases.

Lands that ten years ago were $20 per acre are now hard to buy at $60, and in ten years more will be double that. And such lands! City values have shown the same progressive values. There has been no ebb and flow, but a steady, constant rise, soundly based. Texas has the lowest taxation and more funds in her treasury than any State, a better school endowment, more varied resources; and her growth has been a steady, constant, business growth, and her values have advanced only in proportion to this growth and development, and these may be fairly said only to have begun.

Remember that Texas, while a State, is a great State, of wide latitude, and it would be as wise to figure Ohio possibilities by Kentucky conditions as to generalize on Texas.

Her area will undoubtedly support five great cities, and the trend of growth and development with the varied resources contiguous indicate that these will be San Antonio, Houston (or Galveston), Waco, Dallas, and Paris. New as it is, a town of 20,000 people is large for Texas, and all the above have this or more.

The latter city has equal advantages with any of the others, and has some local surroundings not possessed by the others, but has not been so greatly advertised, nor become so well known, and the development of the grand agricultural country surrounding it and the extension of its banking and commercial facilities to handle the resultant business has kept its resources so fully employed that its natural advantages which would form the basis of sound, successful manufacturing, have been either neglected or only partially developed along the most obvious lines. Cotton-seed products are partially produced, but have not been worked out to last results, though there are two very large mills and one large refinery. Its clays have only been used for brick-making, though there is a variety of them that would enter into many products if developed. Its great hardwood timber resources are hardly touched.

The agricultural products of its county (Lamar) easily aggregate five millions annually, and with a considerable area yet to go under the plough. The transportation account of the merchants of Paris, paid out on goods received by them, is about $750,000 per annum. Its banks have a capitalization of over a million dollars, with average deposits of two millions, and yet are always crowded to care for the business offered. One of its banks ranks first in the State and fifth in the United States in the cash value of its stock, a $100 share being worth $700. The largest wholesale furniture house west of the Mississippi River is located here, and in hardware, groceries, and other lines it makes as good showing as any Texas town.

In manufacturing a start has been made in saddlery, confectioneries, wagons, and some smaller lines; these factories are all doing well, and have all the trade they can handle, but are all hampered by lack of working capital sufficient for the demand on them. In fact, in Paris, as in all other Texas towns, the amount of home capital is not equal to the demand made on it by the growth and development of the country.

While the growth of Paris has been due to the growth and development of the Texas territory contiguous to it, there is approaching rapidly the opening of the Indian Territory, which is within sixteen miles of Paris, and will easily double her trade area and double the demand for capital to handle it. In this respect Paris is superior to any other Texas town, as their trade area is not subject to such expansion as this.

There is nothing speculative about the resources of Paris; they are of the solid, lasting sort that make a good foundation on which to build business enterprises.

Detailed information on any special line can be had of the Paris Commercial Club.

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SHERMAN, TEXAS.

Sherman is a city of about 15,000 people, with natural and industrial advantages possessed by but few cities, and excelled by those of no other urban community in this country. Being the county seat of the rich and prosperous county of Grayson, and the largest city in Texas north of Dallas, it is destined to be the scene of the greatest commercial activity as the years roll on.

Sherman has seven railroad systems, with eleven outlets, covering every direction, penetrating into the rich country, and reaching the people who make their homes in the prosperous regions of North Texas and the Indian Territory. Sherman is the end of a division of five railroads, and has a large number of railroad men who reside there. The St. Louis and San Francisco Railroad, recently built to Sherman from Sapulpa, I. T., and extended on to Fort Worth and the Southwest, has its Texas shops located at Sherman, where an army of workmen are employed in the machine-shops, roundhouse, terminal yards, transfer sheds, etc. This has very materially stimulated Sherman's prosperity and progress, and the 'Frisco road is almost daily adding to their shop plant here, and to the number of men employed on the system, who make their homes here.

The coming of the 'Frisco from the Indian Territory, and the extension of the road to Fort Worth and the Southwest has opened up a vast section of country to the jobbing houses of Sherman, and caused this class of business, as well as many others, to be wonderfully increased since the advent of the road into this territory.

Besides the 'Frisco, Sherman has the Houston and Texas Central in two directions, north and south; the Santa Fe, east; the Cotton Belt, eastward; the Texas and Pacific, east, west, and north; the Missouri, Kansas and Texas, north; and the Denison and Sherman Railway, north. With these great arteries of commerce covering every direction and every section of the tributary country and making the town of easy access from all sections, Sherman's retail trade has grown, as well as the jobbing trade. Industrial enterprises have been quick to see the advantages that would accrue to them from locating here, and they have increased in number.

Sherman is one of the strongest financial centers in Texas. She has three national banks, with a total authorized capital of $1,200,000, and there is constantly on deposit in Sherman in the various banks about two and a half millions of dollars.

The educational institutions of Sherman cannot be excelled in the South. On account of the number, thoroughness, and importance of her educational institutions, Sherman has been justly denominated the "Athens of Texas," and is known by that well-earned title all over the South. Sherman has five public schools, with a competent corps of teachers capable of conducting them on the highest plane. We have eleven colleges and private schools.

There are many large churches and handsome church buildings of every denomination. The schools and churches of Sherman are alone sufficient to attract people to the city to make their homes.

Sherman has two oil-mills, one of them the largest cotton-seed oil-mill in the world; three of the largest flouring-mills and elevators in Texas; one of the largest packeries in the State; a large ice factory, etc. These give employment to a large number of people, and are of great and important value to Sherman, not only because of their permanency, but of their constantly increasing activity.

Sherman has well-graded streets, good water, electric lights, gas-works, street cars, sewerage, and all modern conveniences.

There are here beautiful residences, a healthful climate, with an elevation of 800 feet, and educational and religious advantages of a very high order. In fact, Sherman is noted for her educational institutions, and is a city of culture and refinement.

The past decade has been an era of great development in the South. Texas has the greatest amount of land of any State in the Union that is still open to settlement; capital is finding here a field for investment that is as rich in reward as were the diamond mines of Golconda. During this era of progress Sherman has not been behind, but through its unexampled energy and splendid surroundings it has forged to the front, not only in size, but in commercial importance, and is known in the commercial world as one of the most up-to-date and progressive cities in the State.

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DENISON, TEXAS.

Denison, Texas, is the most important gateway to the great State of Texas, being on the extreme border-line of Texas, and nearer Red River, the northern boundary of Texas, than any other town.

Denison is located on the Missouri, Kansas & Texas and St. Louis & San Francisco railways, which enter the State from the Indian Territory on the north. It is situated in the finest agricultural and fruit-growing country in the Southwest.

The country is distinguished by a greater variety of soil and a greater diversity of products than any section of Texas. The climate is especially favorable to truck-gardening, peach and apple growing, strawberry growing, etc. All vegetables and small fruits are very successfully grown and largely cultivated. The Rocky Ford variety of cantaloups grown on the iron-ore soil near Denison have a reputation in Northern cities, where they are sold at the highest market price, being produced and put on the market far earlier than the Colorado melons. The peaches grown in the country around Denison are as fine in size, coloring, quality of fruit and flavor as any grown in America, and much finer in flavor than any fruit produced in California orchards. The June apples grown here are several weeks earlier than those produced in any other section of the country. The trees bear freely every year, and in flavor they compare with any apples produced in the apple-growing sections of the United States, and, being much earlier on the market than other sections can produce them, they command a fancy price.

Besides the production of such fruits as are above mentioned, all kinds of fruits growing in a temperate climate are grown here, such as cherries, plums, all kinds of berries, grapes, pears, quinces, almonds, figs, etc. Grape culture is assuming large proportions, and the acreage in vineyards has been largely increased in recent years. These products bring values amounting to from $100 to $400 per acre, according to state of cultivation and methods employed.

There are five distinct soils in country contiguous to Denison, and in these are produced all the fruits before mentioned, besides fine crops of corn, wheat, oats, broom-corn, cotton, hay, etc.

No town in Texas exceeds Denison in number of advantages offered. The town is located within forty-five miles of the finest coal-fields in the Southwest, and there are two competing lines of railroad tapping these coal-fields, running through Denison, making this a distributing-point for coal in Texas, making the price for manufacturing purposes more reasonable here than at other points. There is an unfailing supply of pure, potable water for manufacturing purposes, besides a vast amount of raw material for manufacturing.

Denison is located at the head of navigation on Red River, the largest and most important stream of water touching Texas. An appropriation was made at the first session of the Fifty-seventh Congress to begin the improvement of the river for navigation as far as Denison. With needed improvement, transportation rates will be greatly reduced, making Denison the point having the lowest rate in North Texas common-point territory. In addition to the roads mentioned above, Denison has the Houston & Texas Central and the Texas & Pacific.

Commercially, the advantages of Denison are greater than any town in Texas. There are four great railroad systems centering here, with outlets in thirteen directions, with ten division points located here. These roads penetrate every portion of contiguous territory in North Texas and the Indian Territory, which is one of the richest sections of the United States. Denison now has a population of 18,000 people, and is growing very rapidly. The growth of the town has been retarded on account of the Indian Territory just north of the city being in an unsettled and uncultivated state. But the United States government is opening this rich country now, and wonderful opportunities for development and investments are presented. The country is rapidly filling up with settlers, and the rich farming lands are being put into cultivation, making the field much better for jobbing and retail houses in Denison, and opening a vast new field for industrial enterprises.

The public-school system in Denison is unexcelled in America. Denison was made a town in 1873, and that year built the first public free school-house ever built in Texas. There are eight fine brick school-houses of large capacity for white children and two for colored children, the latter forming a small part of the population of the city. The school property of the city is valued at $400,000. The educational course of the schools is graded very high, and graduates of our public schools may enter the State University without re-examination.

Besides the public schools there are three colleges and academies and two business colleges for the higher education of both sexes.

The churches of Denison represent every denomination, and have fine houses of worship.

Denison has a cultured and refined population. The XXI. Club, a handsome brick club building, is the home of a literary club of ladies, and is the only woman's literary club building in Texas.

The town has fine, broad streets and magnificent natural drainage. It is located 200 feet above Red River and 800 feet above sea-level.

Denison has a fine water-works system, electric lighting and gas-lighting system, and a splendid sewage system, with drainage in Red River.

There is a splendid electric street-car system, with suburban connections. The Denison Commercial Club disseminates information concerning the town.

ROBERT S. CARVER.

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THE CITY OF DALLAS, TEXAS.

Referring to the description of "The Manufacturing, Jobbing, and Financial Center of Texas," which appears in your issue for August, I have been requested to write on the subject of the real estate interests of Dallas and its surroundings.

Having located here in January, 1874, I have ever since been engaged in the real estate business (now of the firm of Murphy & Bolanz), and have seen the town grow from 6000 at that time to its present population of over 70,000, embracing the immediate suburbs. It had grown rapidly, beginning several years after the Civil War, from a village of about 1000 population to about 6000 in 1874, the first railroad having reached the place in 1872. I was attracted particularly by the rich and inexhaustible black lands surrounding the town, and felt that it must rapidly forge ahead in growth and importance; and the results have more than realized my expectation, notwithstanding two severe and widespread panics that have swept the nation during that period. Railroads have continued to enter the city until we now have them radiating from this center in twelve directions, with the certainty of four new roads being added within the coming year.

On my arrival here it was a typical Western frontier town, with three variety theaters on the principal street, three brass-bands playing three different tunes at the same time before opening for the night, making a pandemonium of discord. Gambling was wide open at all times, the six-shooter much in evidence, and shooting a common occurrence. There was not a decent residence and scarcely a rose-bush in the town. Now we have magnificent homes, metropolitan business houses, and highly cultivated people.

The agricultural-implement business has grown from one house in 1874 to the greatest market in this line in the world, the numerous firms conducting their affairs in their own six and seven story buildings. Dallas also leads the world in the manufacturing of saddles, harness, etc., besides being the headquarters in the State for many other pursuits. The real estate men find difficulty in supplying the ever-increasing demand for residences, notwithstanding the large number of houses that are being constantly erected throughout the city. Still newcomers continue to pour in, and, notwithstanding our numerous hotels and boarding-houses, it is difficult to take care of them all. This is now a fine field for an enterprising up-to-date hotel man, to erect a commodious hostelry, say, on the European plan.

Several years ago a brick manufacturer sank an artesian well three miles west of Dallas, boring through a continuous bed of excellent shale until he reached a fine flow of water at about 600 feet. To-day he has large works there and is unable to supply the market. Adjoining this property is now a large cement plant, where are employed day and night a large force in the manufacture of the best quality of Portland cement. There are many such openings for capital and skilled labor in and around this city.

Much of the land surrounding Dallas is particularly adapted to the raising of the finest fruits and vegetables for the home and distant markets. Some of our black-land farms have been in cultivation for fifty years or more, and are as good now as when the plow was first stuck in the ground, and not a particle of manure is ever necessary to add to their productiveness. The yield of these lands under favorable conditions is something marvelous. Many years ago the wheat crop was heading, and promised a good yield, when suddenly it was bitten to the ground by a heavy frost. In the fields not disturbed the wheat took a second growth and produced a fine crop, showing the recuperative capacity of the soil under favorable circumstances.

Dallas is the center, par excellence, of the finest agricultural portion of this great State, embracing many surrounding counties.

This has always been considered the head of navigation on the Trinity River by the fathers of Texas; in evidence of which not a single survey along this river from Dallas to its mouth, patented by the State, was permitted to cross the stream. Congress has recently made a large appropriation for the canalization of our river for navigation, making accessible extensive virgin forests of hard-wood timber, rich alluvial lands, iron, lignite, etc., and assuring water rates from the numerous railroads centering here, thereby encouraging manufactories of every description.

For the past eight months the deed records show real estate transactions amounting to $5,118,997, or an average of $639,874 for each month.

JOHN P. MURPHY.

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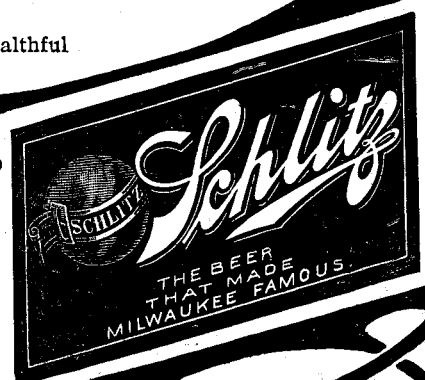

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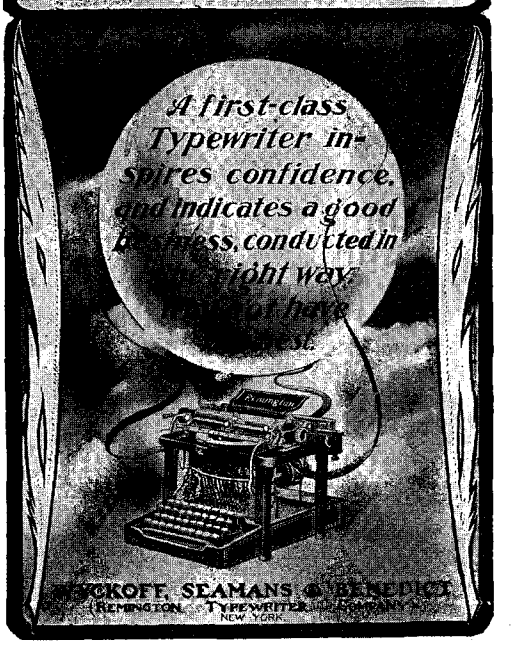
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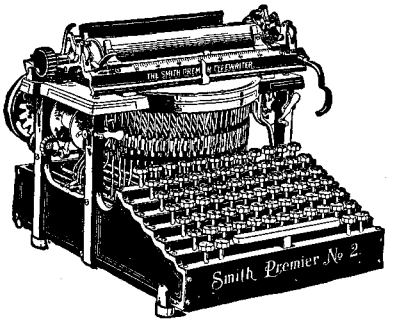

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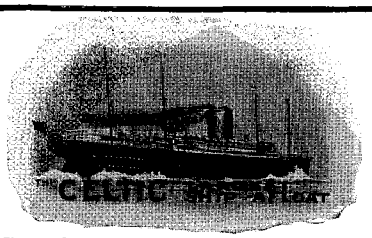

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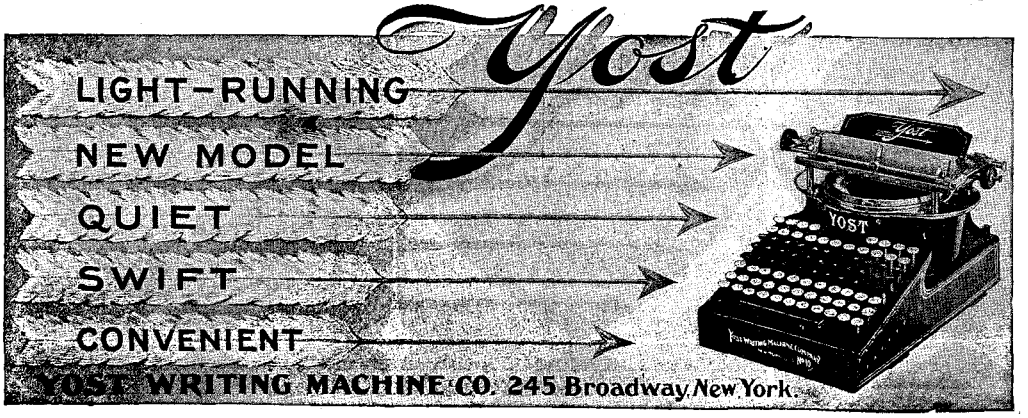

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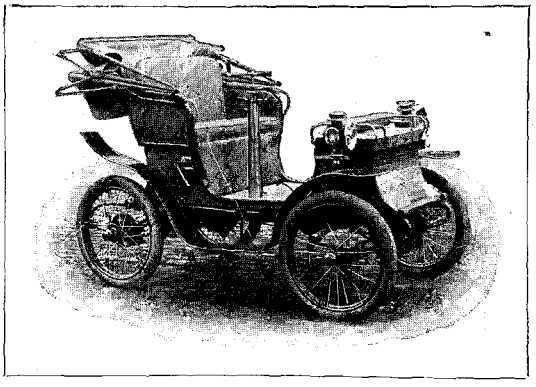

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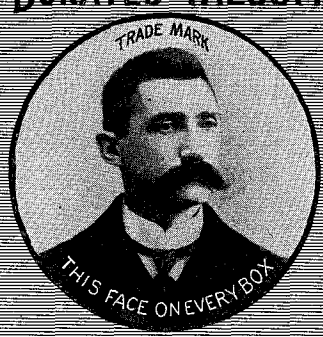

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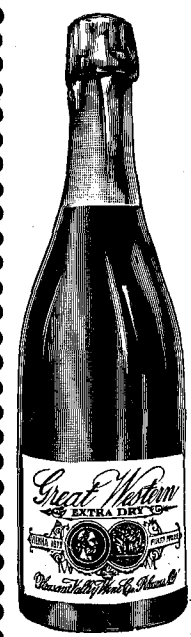

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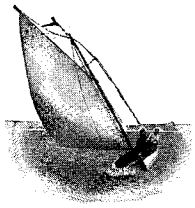

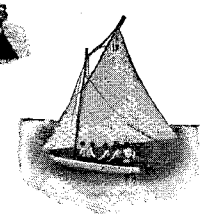

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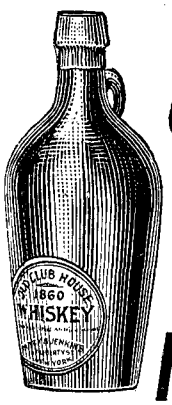

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